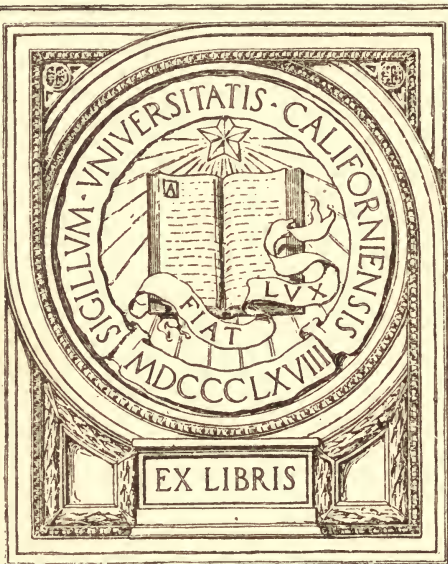


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Yours Truly
Alexander Stephens

ALEXANDER H. STEPHENS,

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PUBLIC AND PRIVATE.

WITH

LETTERS AND SPEECHES,

BEFORE, DURING, AND SINCE THE WAR.

BY

HENRY CLEVELAND.

"Who made the heart, 'tis he alone,
Decidedly can try us;
He knows each chord, its various tone;
Each spring, its various bias.
Thence at the balance let's be mute,
We never can adjust it;
What's done, we partly may compute;
But know not what's resisted."—BURNS.



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P R E F A C E.

A few words, and a few only, may not be improper by way of preface, or introduction to the following pages. Mr. Stephens has for a long time filled a large space in the public attention throughout the United States. Taken all in all—physically, morally, and intellectually—he may very justly be regarded as one of the most remarkable men of this country and age. For a quarter of a century he has been an active participant, and often leader, in the great questions of war, peace, change, and progress, that have made the most interesting chapters in the history of the western world; and in the late semi-decade of conflict he watched the shifting of the mighty scenes from the high stand-point of the second office in the southern confederation.

It is but fit that what he has said and done in all this eventful period should be preserved in some durable form. This has been the principal object of the writer; and in the execution of his purpose perfect accuracy has been his controlling motive. With this view he has communicated his design to Mr. Stephens, (having been on intimate terms of friendship with him for years,) and received his consent to the undertaking. During the late summer (of 1866) he had free access to all his papers, with no restriction upon their use, save in questions as to their present interest to the reader, or of propriety and good taste. The result of the labor of compiling and arranging, as well as biographical description and sketching of interesting incidents, is respectfully presented. The writer only hopes to receive from the wider circle of the American public, that kind indulgence so generously accorded to different efforts in a narrower sphere. To the student of biography the private life of this great and good man is full of interest. To those who desire to know their country's true history, there will be value in the thoughts and words of one who was so trusted and honored by the southern portion of the

late contestants, and who stood for the Union and its constitution amid its enemies in a time when many despaired of it in the land of its friends.

The writer has submitted to Mr. Stephens the result of his undertaking, and, as part of this preface, subjoins a letter received from him on the subject of the present publication. Should the effort meet with favor, the credit will be due to the subject; if not, the writer will only think he has been unfortunate in his manner of presenting it.

H. C.

CRAWFORDVILLE, GA., 10th Nov., 1866.

HENRY CLEVELAND.

MY DEAR SIR:—

Your letter with *proof-sheets* of your forthcoming volume has been received. I have looked over the latter, and made some corrections and suggestions which you will notice. With these the work in all essential facts will be, I think, substantially correct.

I have not had time to examine closely the speeches taken from the *Globe*. You must see that these are as they there appear. All the others, I believe, are correct, as well as the letters contained in the book.

I have no objections to your using this letter as you may think proper.

With best wishes, I remain as ever,

Yours truly,

ALEXANDER H. STEPHENS.

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ALEXANDER H. STEPHENS.

I.

INTRODUCTORY.

HOME SCENES—PERSONAL APPEARANCE—BIRTH AND LINEAGE
—EDUCATION AND EARLY MANHOOD.

WE desire to speak of this distinguished statesman, as he appears in public and private, before, during, and since the war.

Having determined to compile some of the speeches, letters, and papers of the Georgian, who has been so long and favorably known to the American public, it is proper to give a more enlarged sketch than has ever heretofore been given of some important and interesting incidents and features in the life of the author of them.

Much of the material which composes the body of this volume has never before appeared in print; some has only been seen by those to whom addressed, and none has ever appeared in book form.

Of the man and his dwelling-place, his appearance, his earlier and later manhood, his private existence and public career, others have often spoken; but generally through the daily or weekly printed leaves, that fall from the press as fast as the autumnal spoils of the forests, and are gone as soon. Some of the best and most accurate of these have not been widely circulated, and few, if any of them, are now accessible.

Men are only known as they are seen; and as clothing modifies the appearance of man and as the manner seems an index

of the nature, even so the land in which one dwells, the people who are his people, the society, the companionship, the home; all become so inseparably linked with the recollections of the individual as to seem part of himself. To know the man, we should know them, for the devotion that clings to, and loves and honors, the honest and worthy, who are found in the more humble walks of life, is a different and more beautiful thing from that which only finds pleasure among the favored children of opulence, cultivation, and opportunity. There is the same distinction between these, as between the love of *Pauline*, in Bulwer's beautiful creation, when listening with entranced interest to the seeming Prince as he told of the dream Eden by the Lake of Como, and the same *Pauline* as she confesses a nobler emotion, in the arms of the poor *Claude Melnotte*. So, too, if we shall speak of a man who loves his home better than all other spots on earth; it is well to know whether the home so loved, be like what Dr. Johnson tells of the "Happy Valley of Rasselas," or but one of earth's common dwelling-places:—whether the heartstrings are tied to the bloom of womanhood and childhood, or only fasten to unpicturesd walls and moss-grown graves:—whether the sentiment which moves and actuates him, be in any way akin to that of the Swiss, who rejoices in his Alpine home—

"And as a child, when scaring sounds molest,
Clings close and closer to the mother's breast;
So the loud torrent and the whirlwind's roar,
But bind him to his native mountains more."

It is with some such idea, as what is thus imperfectly expressed, that we speak first of Mr. Stephens' surroundings and HIS HOME.

The traveller through the State of Georgia, will find it somewhat difficult to reconcile what he has heard of the wealth of that empire state of the South, with the appearance of poverty

which greets his eyes, as the rush of the train presents a panorama of the landscape.

From the crest of the Alleghanies, near the Tennessee river, there is a gradual slope, which, between the Chattahoochee and the Savannah, takes somewhat the form of a great ridge, as if the mountain central crest were pointing its index finger to the Atlantic. All such ridges are poor in comparison to the fertile valleys that are set like emeralds in the mighty framework of the hills, but the treasures that are born from both hill and vale, beneath softening rain and glowing sun, can only be known when accurate statistics sum up the sources of the nation's wealth.

On the ridge we speak of, is the village of Crawfordville, named in honor of the late William H. Crawford, of Georgia, once a candidate for the Presidency of the United States. It is on what is called the Georgia railroad, sixty-four miles from the city of Augusta and one hundred and seven miles from Atlanta, being about a medium between them in altitude. Augusta is one hundred and forty-seven feet above the sea, Atlanta one thousand and fifty feet, and Crawfordville is six hundred and eighteen feet.

Its elevation makes it a pleasant summer residence, and the water, gushing in crystal purity from the heart of the granite, is cold enough without ice. The town was built in 1826, and reached its prime some ten years later. Tradition says that while in the height of prosperity, its "Town Commissioners" kept the streets in good order. It had a good brick court house; a jail that was, as usual, a discomfort of heavy timber and iron gratings, a commodious hotel, and two chuches, only one of which now exists. There were then several hundred inhabitants.

In 1836 and 1837, there was an exodus of the people from the town and county, who were seeking more fertile and favored lands; much capital was withdrawn, and a fire in 1838, that swept away all the buildings on the north side of the public

square, marked the cessation of growth, and the beginning of its decline. The Georgia railroad trains still run through the place, as regularly as would be the oscillations of a giant pendulum sweeping through the hills; but give little benefit, save in transportation to market for planters, and affording more speedy locomotion for travellers, than the wagon and stage-coach which they displaced. In summer, the mellow sunbeams are reflected from browned herbage, or from the great red seams in the hills. At train time, there is always a little assembly at the *depôt*. The fences, mostly of the Virginia worm pattern, appear to wander over the hills as aimlessly as the lazy cattle and swine pursue their own desultory wanderings along the highway.

Conspicuous from the railroad, on the outskirts of the town, is the old Foster House, now called the Monk House, not from being a monastery, but from a late owner. It was formerly the grand house of the village, but now presents to each day's sun or cloud, a front gray by degrees, and gradually more gray.

The only brick house on the main street, and one of the only two in the village, has given way to despondency from dampness and lack of use, and a moiety of the rear wall, lying prone upon the mother earth, seeks to restore its baked material to the virgin clay, upon which it once looked down in ruddy pride. The old hotel is grayheaded all over, and leans to the street, as if looking for long gone guests; and when we saw it, even a blue eyed child and fair maiden that dwelt there, like stray flowers in a long neglected garden, seemed a little as if the shadow of the century plant in the hard yard, had fallen on them.

The broken glass in the court house windows, appeared kept in memory of the United States troops who broke them. The Academy is kicking away the rough stones that support it, and all the glass, and the most of the window-sash, has been removed by means of small stones, hurled with unerring aim by the village *gamins*, who thus manifest their zeal for improvement. The

time is past when the village had smooth streets of red clay, bordered by green grass and beautiful trees, with white cottages peeping out along the verdant ways; with full stores, busy merchants, good schools, and "boys and girls playing in the streets thereof." It all now gives sad evidence of the want of road commissioners, repair, and paint. The streets are washed by rain and worn by the attrition of feet, until the very ground looks old and wrinkled. The little assembly of white houses and red chimneys were all rapidly fading into nature's neutral tints, when we saw them, under the blue summer sky of 1866.

The people, however, are good and kind, social, and given to hospitality, with upright men, noble-looking women, and pretty children.

Just out of the town is the old churchyard, where—

"Each in his narrow cell forever laid,
The rude forefathers of the hamlet sleep."

The wood and stone erected in honor of the dead seem mouldering like the once loved dust they tried to keep in memory, and rain and sun, alternate, bathe and blister the hard, pebble-strewn clay. Near it, on the same hill, is the old Baptist church, where all denominations peaceably assemble, and all ministers of orthodox creeds are free to teach. It looks whiter and fresher than any thing else, as if some of the immortality told of so well in the humble pulpit, had penetrated the very boards. On Sabbaths, when the hill echoes to the same truths that were taught by the fishermen of Galilee, the irrepressible beauty of the South blooms out in the matchless loveliness of Georgia women, sweet as her roses and holy as her prayers. At the foot of the hill are cold springs, from which little streams wander off through the pines.

On the same elevated hill as the church and the graveyard, and only removed from the town by the somewhat extended grounds, is an unpretending mansion. Its white outlines are half hid by the magnificent grove of oaks in which it stands;

and locust, hickory, china, cedar, and other trees, shadow the large yard. The turf is a mixture of green Bermuda and white clover, spangled here and there with other indigenous grasses. The jonquilles disappear with the spring time. A plain, high board fence, not painted, with large white gates, encloses the premises. The main dwelling has eight rooms; and two more, with a wide veranda, have been built to the rear.

From the front porch, a door opens into the hall or passage, its floor spread with oil-cloth in mosaic, and having no furniture but an iron hat rack and gigantic barometer.

On the right of the hall is the parlor, with neat, cheerful looking carpet of green, with arabesques in colors. The windows are without curtains, but have shades of green and frosted gold. On the mantle are: A large engraving of the United States Senate, during the great speech of Daniel Webster, in 1850. A small bust of Senator Berrien. A fine cast by Saunders, intended as a model for a statue of General Oglethorpe, the founder of the Georgia Colony. The sword in his hand has been damaged by an accident. Lastly, a cigar case, in imitation of a bunch of cigars, the much prized gift of a lady friend.

On the right and left of the fireplace, are fine oil family portraits by Healy, in massive gilt frames. On the walls hang two medallions, one of Mrs. Steele, of the Revolution, offering a purse to General Green; one of General Oglethorpe, with curly wig, looking like Milton, but the neck fractured. A large lithograph of the proprietor, and the grand face of that southern type of manly beauty, Robert Toombs.

Upon a small table is the large Bible, which, upon being opened, is found to contain a family registry, including the marriages, births, and deaths of the immediate household, as well as the plantation servants. Lastly, there is a pillar of green and white marble, surmounted by the beautiful Italian marble bust of the great statesman we write of. It was among the first ever executed by the young artist of Ohio—J. Q. A. Ward. It was made in 1859. These, with the sofa, easy chairs, and other

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ordinary drawing-room furniture, are all that meet the eye upon entering the neatly papered room. All the rooms are ceiled, not plastered.

Opposite the parlor is a dining room. Its features are:—Brussels carpet of white and roses. The window-shades are a plain pattern of green and gold. Then an extension dining-table, an ancient sideboard, a silent clock on the mantel-piece, before whose modest face no hands are held, and a frozen traveller watched by St. Bernard dogs, displayed upon the fire-screen.

Next a pantry. Then a bedroom carefully reserved for an occasional visitor, a friend who at all times has a home and welcome at the mansion, whenever he will come. Its common designation is—Mr. O'Neal's room. There is another bed-chamber next the parlor.

The upper rooms, four in number, are neatly but plainly furnished, and kept for the guests, male and female, who often come, and are always made at home, in what by the owner's own designation of long ago, is widely and familiarly known as *Liberty Hall*.

In the back passage, there is always a cedar pail of pure cold water, that is so refreshing in the long, hot, summer days. Then the porch, connecting the two rooms built, to the rear, with the main building, and extending on the eastern side into a wide veranda, with massive square pillars.

The first of the rear rooms is the library, a pretty room, fifteen by twenty feet, its floor covered with neat carpeting in stripes. The collection of law and political books is large and excellent. Many valuable miscellaneous books belong there, but numbers of them are always out in the hands of borrowers. The library is the collection of thirty years. Numerous trunks contain the accumulated letters of a lifetime. A bronzed bust of Daniel Webster looks gloomily down from a shelf over the inner door. It is gray with dust, and bears no trace of that "living light" in which his eloquence embalmed the flag of our

country. He needs no bust or statue, for our memories are the amber that keeps his fame. Would that his shade might return, and re-utter to the whole land, those earnest words to—"The sober men of Boston."

The inner room is the *sanctum sanctorum*. If the visitor come in winter, a light tap is given on the door, a quick, but pleasant voice says "Come in," and turning the top knob of the door gives admittance. All is open in summer. There is a pretty carpet of green and flowers. Low French bedstead draped in white. The walls too are white. There is a bureau and mirror, cot-bed for waiting-boy "Tim," wash-stand and toilet furniture. Over the mantel, Brady's imperial photograph, taken in 1855, of which our third engraving is a copy. It is flanked on the right by the picture of "Faith at the Cross," given while at Fort Warren, by a much valued lady friend. On the left by an embroidered watch-stand, and a pair of lamps. Then a bookcase with broken glass, and bundles of papers in great seeming disorder. The disorder is not so great, but the owner can readily find what he wishes, and before the confusion incident to the late war, no statesman kept such perfect order among so many various papers. There is a little round top writing-table, with eyelet press, and papers and scraps. More papers and scraps are in the little table drawer, and the mind of the owner is the index to them all, if they are not disturbed. That annoys him greatly. His old office, and another library, are at the court house, but he seldom goes to it.

On the worsted hearth-rug of this room, in winter, and on the grass of the yard in summer, lounges a huge brown mastiff named *Troup*. Near this larger specimen of the canine species, is usually to be seen a little black terrier, with a chronic growl; he is called *Frank*. A restless yellow pup sometimes intrudes, but is generally sent away with the proper rebuke from his grave seniors. He bears the appropriate name of *Sir Bingo Binks*, one of the characters in Walter Scott's "St. Ronan's Well."

Rio (called *Reo*), the famous poodle dog, the favorite pet and

companion of the statesman for years, both at home and abroad, has had, since 1863, a dreamless sleep in the garden. The red clay mound that marks the spot of his burial, still awaits the tablet for which an appropriate epitaph was once written:—

*“Here rest the remains
Of what, in life, was a satire on the human race
And an honor to his own—
A faithful dog.”*

On the left of the fireplace of the room we last spoke of, in winter, and in the veranda in summer, is generally seen the owner of the premises. The man is known personally, and by thousands of pictures, from the St. Lawrence to the Rio Grande. The face is so kind that it is almost handsome; and many years of high thought, generous deeds, and patient suffering, have given it that peculiar look of the maturely good which is almost beautiful. His age, on the 11th of February, 1866, was fifty-four. The eyes are large, dark, habitually thoughtful, and almost sad, sometimes full of brilliant power, and always fine. His dress is much as described by the “Blind Chaplain,” whom we will quote hereafter, except that in summer it is usually white. The pure and delicate fabric of the outer garments, however, hide the heavy woollen that ill health and neuralgia compel him always to wear.

At the first, he was a poor orphan; then, successful lawyer; champion of education; advocate of a great railroad; protector of the weak against the strong, righting wrong and securing justice; benefactor of the poor; faithful ever to the home and graves of his sires; laying aside the robes of office from choice, while in the noon of power; an ardent defender of the Union, as well as devotee of the doctrines of State rights of the school of Jefferson and Madison; ministering-spirit at the hospitals, and caring for captive enemies as for brethren. Then, a State prisoner, and afterward a Senator elect, dedicating his matchless eloquence again to harmony, wisdom,

peace, and Union; hero of civil triumphs and bloodless battles; Christian gentleman and patriot statesman; in a word—

ALEXANDER HAMILTON STEPHENS.

What he calls his old Homestead place, is about two miles from Crawfordville, and is the object of his most cherished affections. It was the home of his grandfather and his father; but was sold at his father's death, and repurchased by him with his first earnings at the bar. He has added largely to the original tract of about two hundred and thirty acres, and besides that, owns another farm of two hundred and seventy acres, which is the best grazing farm in the country. The soil of the old homestead place is sterile by nature, and mainly what is termed "upland." It is in perfect order, and by careful skill and liberal fertilization, is quite productive. There are two fine orchards on the place, and a vineyard, which, with the one he has in the village, made him, in 1860, five hundred gallons of Catawba wine. He has, however, made none since, and grape culture in Georgia is, so far, a failure. The dwelling on the farm is frame, unpainted, and surrounded by the usual negro cabins that are seen all over the South. The place is more elevated, and has even colder water than the village home. His negroes have all remained with him, and his plantation is entirely in their hands under contract of rent. The following on the subject of which we are now writing, is from the special correspondence of the *New York Herald*, and will be read with interest:

"CRAWFORDVILLE, TALLIAFERRO CO., GA.,

September 26, 1860.

"Leaving his luggage at the humble inn in this little village, which numbers but about three hundred inhabitants, white and black, your correspondent inquired the direction to the residence of the Hon. Alexander H. Stephens, the best beloved politician in the State of Georgia. Walking to the corner of a street, a short distance from the inn, our informant pointed in a northerly

direction, and said: 'There is Mr. Stephens' house, where that white gate is, where you see that light'—for the sun had set, and the curtains of night were closing around. In a few minutes your correspondent found himself within the inclosure and walking up a broad avenue toward Mr. Stephens' house. Upon a capacious porch in front of the dwelling, a fine hound dog bayed deep-mouthed warning that a stranger was approaching; but cries of 'Down, pup!' 'Be quiet, pup!' quieted the dog, and we entered the house.

"The first object that met our view was that of a person, apparently a slightly formed youth, walking thoughtfully through a wide passage way that extended from one side of the dwelling to the other, and open to the air and sunshine at either end. On approaching this slight, apparently fragile personage, we discovered at once, from his deeply marked and careworn features, his broad forehead, his intelligent and eloquent black eye, it was no youth who stood before us, but Mr. Stephens himself. He now weighs ninety-two pounds, and weighed but eighty-four when he commenced law practice in Crawfordville. The ceremony of introduction passed, Mr. Stephens remarked: 'Let me send to the hotel for your baggage, and stop with me while you tarry here.' We thanked him and accepted his invitation. It should be here mentioned, that the residence of Mr. Stephens is called 'Liberty Hall,' and whether Mr. Stephens be at home or not, the latch string is invariably hung outside for visitors and friends, and servants are always at hand to extend the hospitalities of the mansion.

"Although laboring under a severe attack of neuralgia in the head, Mr. Stephens at once engaged in conversation, and plunged into the subject of the dangers that now imperil the Union.

* * * * *

"Besides his home residence in Crawfordville, which covers about thirty acres of land, including a fine peach and apple orchard, a garden in which the pomegranates are now bursting with their luscious sweets, fig-trees overshadow the ground, and roses of the finest varieties are in full bloom, Mr. Stephens

has a plantation about two miles distant, embracing a thousand acres of land. A portion of this plantation belonged to his parents. His grandfather died and was buried on the spot; his father and mother lived and died there, and the property falling into other hands, it was not until the expiration of many years that Mr. Stephens was enabled to achieve the proudest object of his life's ambition, the redemption of his patrimonial estate. He has since added considerably to its proportions, and by improving its culture rendered it one of the finest plantations in the county. It was to this place that the biggest-littlest man in the State of Georgia invited your correspondent to take a horse-back ride yesterday (Sunday) morning. Our equestrian education had been somewhat neglected in youth, although we had the advantage of an intimate acquaintanceship with Disbrow and other eminent professors of the equine art, and our situation on the back of a horse at this time was quite a novel one.

"And now behold us, *en cheval*, passing through the gates toward the road. But what is this white building—what is this crowd? They appear within the limits of Mr. Stephens' domain, and the people regard him with evident respect. The one is a modest-looking and yet goodly-sized Baptist meeting-house, and the people you see, have come a distance of five and ten miles to worship there. They are both white and black. Christ's blood has sprinkled them all alike in the South, so far as I have seen. There are a number to be baptized, and this, with the knowledge that the Rev. Dr. Hilyer, of Penfield, is to preach, has attracted an unusually large assemblage. Passing along, to quote a famous novelist, 'two horsemen might have been seen' rising on the crest of a hill of red clay in Taliaferro county, Georgia, on a calm summer's morn. They were apparently engaged in earnest conversation. One bestrode his horse as if he were waxed to the saddle, and the other didn't. It seemed that the latter did not know which of four evils to make choice of—whether it were best to pop over the horse's head, tumble off to the right or to the left, or slide back over his tail. The movements were unique, undoubtedly; but without accident we proceeded.

"All along the road were vehicles, and horsemen and horse-

women, going in their neat Sunday attire to meeting. Everywhere was Mr. Stephens saluted with respect; even the negroes would stop, and, taking off their hats, cry, 'Good mornin', mass Aleck;' and Mr. Stephens would respond by kindly inquiring after the folks at home.

"The conversation during the ride was interesting, and to me instructive, as it opened a new volume on the subject of Southern life, manners, rights, and duties. At one point my horse was about a length in the rear, when Mr. Stephens observed, 'Blackberry is rather lazy this morning.' We gave Blackberry a crack, and Blackberry came near making blackberry-jam of his rider. In the course of the conversation Mr. Stephens reiterated his apprehensions for the future of the country—said that the leaders did not know what volcanoes were rumbling beneath them—and, pointing to a large oak, whose upper branches were decayed, said that, like those branches, the leaders in the country had become corrupt and rotten, and that the insidious poison was fast hastening to the trunk—the masses of the country.

"During the ride through his plantation, Mr. Stephens pointed out his vineyard, comprising four acres of land. The vines are of the Catawba variety, in healthful condition, and next year will produce, Mr. Stephens calculates, several hundred gallons of wine. He has also near his residence about an acre of land in which he has planted what he intends shall be a model vineyard, and from its fine situation, the thriftiness of the first year's growth, and other significant reasons, there is no doubt his expectations will be realized. Mr. Stephens devotes considerable of his time to his plantation, and a day or two since might have been seen sowing rye in one of his fields.

* * * * *

"After returning and attending divine service, I was told that it was likely Senator Toombs would stop in passing, on his way homeward, and take tea with Mr. Stephens. With the evening train from Augusta, along came the great Southern agitator. His features in the pictures bear a strong resemblance to him, but they do not dance like those of the original. Mr. Toombs is of an active, and I should think of rather a jolly temperament.

He looks as if he could sing 'Widow Machree' with as much effect as John Brougham, to whom, by the way, he bears a strong resemblance.

* * * * *

"It should be stated that while the personal relations of Mr. Stephens and Mr. Toombs are of the most friendly nature, they differ as widely as the poles in relation to the course the States should adopt in the event of Mr. Lincoln's election. Mr. Toombs takes the ground that the States should forcibly resist, Mr. Stephens the reverse. As the future, so pregnant with momentous events, develops itself, Mr. Stephens will be found, as he is now, on the side of the Union, the Constitution, and the country. Mr. Toombs is and has been for disunion."

The correspondent of the *Herald*, from whom we have above quoted, does not speak of the *old* home spot, where the house stood in which Mr. Stephens was born. It is on a gentle eminence in an old field, overgrown with short wild grasses, with a few pines, and some wild plum trees. The miniature natural lake was ditched off and dried, and the magnificent grove of trees at the house cut down by the person who bought the place at the death of his father. The house in which he was born, was of logs, but good for that day. Some of the logs are part of a cabin, now occupied by a negro family in the same field. A heap of stones—the ruins of the old chimney and hearth-stones—now mark the spot where the home of his childhood stood. A substantial granite wall, near by, incloses the graves of his kindred. The commodious frame building, which took the place of the log cabin when his father's circumstances grew better, was sold by the purchaser of the land, and taken down and moved away. It is now a comfortable residence some miles off.

An old field, the logs of a cabin, a heap of stones, some mounds of earth; these are the links which bind the statesman to his first home, and these links, all the temptations of wealth, and power, and fame, have failed to break.

The mental picture before us, of the scene as we last saw it,

is this:—A horse and buggy. A negro boy gathering wild plums. A slight form, somewhat stooping, standing in the old field by the mound of stones, beneath the splendors of a southern sun in June. To him turn the eyes of millions of those who love the men who benefit mankind. His eyes seek—

“That dearest spot on earth to him,
‘His father’s grave.’”

MR. STEPHENS has been so often represented by the pens of able writers as well as by the engraver’s skill and the fidelity of the photograph, that we shall not profess to improve what has been done so well.

In presenting him, therefore, before the foot-lights of the public stage, as well as in the portraiture of private life (both of which are the objects of this sketch), the introduction to our audience may as well be in the language of Rev. William Henry Milburn, the half-blind chaplain of Congress. It is as accurate as ever written of him. After speaking briefly of John Quincy Adams and a few other veterans, he then proceeds to tell of two young men, the one from Georgia being described first, and the other one being Stephen A. Douglas, of Illinois. He says:—

[“Alexander Hamilton Stephens is the most powerful orator in Congress, and that with all the odds against him. When standing he is a man of medium height, but when seated he looks like a boy, for his trunk is remarkably short, and his face exceeding youthful. Careless of his personal appearance, his hair falling in masses over his fine brow; his black, brown, or any other colored cravat (he seems not to know which) tied in a sailor’s knot; his clothes fitting well, if he has been fortunate in his tailor (rarely the case); an immense gold chain, terminated by a heavy seal, falling from his watch fob, he presents an unpromising, ~~not to say an outré~~ appearance. When in repose, his face does not promise much more; pale, with a slightly sallow tinge, sometimes with a hectic flush upon his cheek, it seems to belong to a beard-

less boy. His arms and legs are very long, and his whole frame, not compactly knit, appears loose and awkward, and the victim of life-long disease. How nearly disease and genius may be associated, is a question which I leave for physiologists and psychologists to settle. But I feel sure that sleepless nights and days of pain and fever have had much to do with the brilliant intellect of this remarkable man. [His voice, too, in common talk, gives as little token of his power as his other features, for it is thin, high-pitched, and inclining to the falsetto.] Trained as a lawyer at the Georgia bar, a wonderful school for development of popular eloquence (for the jury system is pushed there to its remotest limits), he early displayed those gifts which have made his name so famous; a sharp, incisive intellect, broad in its comprehension, firm in its grasp, as keen in its perceptions, coupled with an emotional nature, delicate as it is strong, giving him an invincible hold upon the interest and sympathy of his hearers. Returned to the House of Representatives when scarcely thirty years of age, he had, by the time I first saw him, already gained the undivided ear of the House. [When he stood up to speak, there was no lurching, chatting, or apathy in the Hall, which seemed divided between the silence and his voice. The almost feminine squeak of opening soon became a consistent ringing tone, penetrating every corner of the spacious apartment; and judging of his effect upon the ear, I can well believe what I have so often heard, that the impression of his presence upon the eye almost amounted to a transformation.

“In defence of his position he is at once logical and persuasive, setting his argument before you in a clear light and striking attitude, insomuch that the remark of Mr. Horace Greeley is justified, ‘that you forget you are listening to the most eloquent man in Washington, and only feel that he is right.’

“His manner is rapid, sometimes vehement, always collected. Having in an instant gained your absorbed attention, he wins your confidence by his apparent fairness of reasoning, until at length you submit yourself to his control without compunction, or the dread of his being overcome. The most brilliant, albeit not the most satisfying, part of his oratory is seen when he turns

upon his opponents. His powers of satire, ridicule, sarcasm, and invective, are fearful, and yet the man of good breeding never forgets himself, nor is hurried away into truculent abuse. Many a man has smarted, or even withered under Mr. Stephens' irony or denunciation; but I question if any has ever had cause to say that he was not a gentleman.

I fancy that there are several points of apparent resemblance between Mr. Stephens, and John Randolph of Roanoke; but there must be more of real difference. Both have been the victims of disease whose origin dates far back in life, and each has consequently been the owner of a body, which, however exquisitely it may have been strung, has been perilously sensitive. Both have exercised almost unequal sway upon the floor of Congress; and both have been noted as masters in the art of offensive parliamentary warfare. Both have been admitted to be unimpeachably honest and fearless statesmen, shunning no danger, and braving every peril in the maintenance of their peculiar and cherished convictions. But Mr. Randolph had scarcely a friend. Mr. Stephens has hardly an enemy. Bodily infirmity, if it did not master Mr. Randolph's will, soured his temper, and gave to his perfect diction the poison of wormwood, and to his spirit the gall of bitterness that verged upon misanthropy. Mr. Stephens has conquered suffering, and made himself strong and noble by entering heartily into the sweet charities of life.

"The Virginian, proud of his lineage and his birth-place; an intolerant aristocrat, with varied and finished culture, refined taste, a high sense of honor, a mind disposed to prey upon itself, and a contempt for those who did not share his advantages, nevertheless, presented a curious spectacle, as the unflinching advocate of extreme democratic doctrines, while at the same time he was unable to free himself from the tyrannous sentiment of exclusiveness and caste. With an air of stately haughtiness, he entered the lists of Congressional debate like some solitary champion, with his vizor up, that all might recognize him, wearing the colors of a fair lady, whose place upon the throne of his affections never knew a rival, and in honor of his own Virginia defiantly threw down his gage of battle to all comers. He chal-

lenged your admiration, and demanded your submission; he disdained your sympathy, and scorned your weakness. If you were not a gentleman by the four descents, he would hurl at you all the fiery darts of his jeering ridicule; and if you were not born in the 'Old Dominion,' nothing could expiate your offence, and as a *Pariah* you must bear the insult of his complacent or scoffing pity. Any provincialism of pronunciation or phrase upon the part of a man whom he thought worthy to be considered an antagonist, was chastised in the summary fashion of a pedagogue, and more than one distinguished member of our national council has been taught English by the great Virginian; insomuch, *that in his day* he deserved the appellation of the schoolmaster of Congress. The Georgian, on the other hand, is as simple and genial in his manners as a child; considerate and kind to all, his friendliness begets for him friendship. He rarely speaks except upon an occasion which demands all his powers, and then after mature deliberation, and a careful survey of his own position and that occupied by those opposed to him; so that he is like a great general leading disciplined and well concentrated forces to the attack, and so admirable are at once his instinctive and reflective powers, that he seldom makes a mistake or suffers a defeat. He is a born leader of men, because his comprehensive and intellectual nature is seconded and animated by his yet finer social nature; and whether Mr. Stephens continues in the House, which I presume he would prefer, as the great popular body, or be removed to the Senate, I think that the country will one day adjudge him the finest orator and ablest statesman in either.

"The idol of Mr. Randolph's political worship was State sovereignty; the coördinate rights of the States in harmony with the unity and ascendancy of the Federal government is the platform of Mr. Stephens. Mr. Randolph was a Virginian; Mr. Stephens is a patriot."*

* We do not understand Mr. Milburn as doubting the patriotism of John Randolph, but only as believing the man of Roanoke to feel—"Not that I love the Union less, but Virginia more." While it is also true, as stated, that Mr. Stephens was ardently attached to the union of States, yet he was not less ardently attached to State sovereignty, as will be seen before we close.

That was many years ago. When we write—in the summer of 1866—the heart of the man and the brain are just the same, and the face and form changed but little.

The bending of the form, from study and weakness, not from his fifty-four years, is a little more perceptible than then. The olive of his cheek deepens somewhat as the shadows of eternity lengthen out over the lowlands of time, and the anxious care for a nation of states and a nation of individuals, has plowed deeper the seams in his face; but the brown hair shows only slight trace of the white grave blossoms, and the soul looks through the eyes with the olden splendor. It is in no hyperbole that men are accustomed to speak of him as "this most remarkable man;" for mentally and physically—as the poor boy, the patient student, the young lawyer, the legislator, the great advocate, the famed Congressman, the benefactor of youth seeking for education, the retiring statesman, the vice-president of a league of States, the State prisoner and the Senator elect, the always invalid, the gentleman and the Christian; as all these (and with a sad consciousness of unfitness for the task), it is to depict these lights and shadows of a remarkable life, that we attempt to write of the great Georgian.

As the ground we tread has already been gone over by other writers, and as reading their views must necessarily color and shape our own, it is as well, while upon the threshold of the subject, to gratefully admit the aid received from the sketches of John Mitchell, the Irish patriot; J. B. Thorpe, the "Bee Hunter;" John Savage, author of "Our Living Representative Men," and from others, to whom we will attempt to give proper credit for things we borrow, whether thoughts, facts, or words. The author only claims to correctly state some things about which error has existed, and to give some new facts, together with unpublished letters and speeches not generally accessible to the people of these States; all in regard to the man whose name is a household word beyond the

boundaries of his State, and whose honest fame spreads wider than the dominions of the English tongue.

The grandfather of Mr. Stephens, of Georgia, and the founder of the American branch of the family, was an Englishman by birth, an adherent to the fortunes of the Chevalier Edward (the Pretender), and was therefore opposed to the House of Hanover, of which his Majesty, George III., was the representative at the time of the Revolution. During the pre-revolutionary, Indian troubles, he served under General Braddock, and was with him while marching on Fort Du Quesne, and at the memorable defeat. In another expedition he served under Colonel (afterwards General) Washington.

During the Revolutionary war, he took an active part on the side of the colonies, and arose to the rank of captain on the patriot side. His home was then in Pennsylvania. In the year 1795, he settled in Georgia, first in Elbert county, then in Wilkes, on Kettle creek, where he dwelt until 1805, when he finally removed again and settled a place in that part of Wilkes which was afterward cut off, forming part of Taliaferro. Andrew B. Stephens, the father, and Alexander Stephens, the grandfather of him of whom we write, died upon the place. The subject of this sketch, was born there on the 11th day of February, 1812. He was named "Alexander," for the grandfather, who fought on the colonial side. The middle name, "Hamilton," was subsequently adopted by him from love and respect for his greatest benefactor, Rev. Alexander Hamilton Webster, of Wilkes county—afterward his preceptor—and who was a favorite preacher in Georgia.

His father, Andrew B. Stephens, was a farmer of moderate means, industrious, just, and upright. His death, in the boyhood of Alexander, May 7, 1826, deprived him of the care and example of a most excellent man. His mother, Margaret Grier who was a sister of the author of the famous Grier's Almanac, and a distant relative of Justice Grier, of the United States

Supreme Court, died when he was an infant, which was perhaps his greatest loss. He had one full brother, and one full sister, both of whom are dead. His father married a second time, by which marriage there was also two sons and a daughter; of these half brothers and sister, the Hon. Linton Stephens, of Sparta, Georgia, late Judge of the State Supreme Court, is the only one that survives.

John Savage, Esq., thus speaks of this period of the life of Mr. Alexander H. Stephens :

“Having been deprived of the fond care of his mother, Margaret Grier, in infancy, he suffered the loss of his father in boyhood. The solicitude and nourishment which would have made a strong boy of him, were debarred in childhood, and that directing care which moulds the youth into a man, was lost in boyhood. He was left an orphan at the age of fourteen.

* * * * *

Dependent almost entirely on himself, his future looked dim enough; and who would have dreamed that the sickly, emaciated boy would loom up from the dreary hearthstone of that desolated homestead into the councils of the nation, and the brotherhood of the famous?”

His parental home was sold for distribution, and the portion of each child was only four hundred and forty-four dollars.

Before his father's death, he had been a regular attendant at the village “neighborhood” school. A kind uncle, Aaron W. Grier,* offered him a home without charge for board, and the

* This uncle lived to see his nephew and ward (Alexander) rise to the highest distinction. He always took the deepest interest in his career, and ever cherished toward him the tenderest affection. We clip, from the Augusta (Georgia) *Constitutionalist*, the following obituary notice of him :

“Died at his residence, near Raytown, Taliaferro county, Georgia, on the 14th of January, 1864, General AARON W. GRIER. The deceased

interest of his little patrimony of four hundred and forty-dollars at eight per cent., the then existing legal rate, barely paid for tuition and clothing. By the laws of the State the principal could not be used, but was held, during minority, by his guardian for his advantage.

Master Stephens being a boy of strict morality, and professed and acknowledged piety, attracted the attention of the Superintendent of the Sabbath-school where he attended, by his extra-

was a man of many strongly marked traits of character. When quite young, he volunteered in the forces that went out under Floyd, in the Creek Indian war of 1812. He was in the battle of Calcebe, where the gallant Butts fell. In this campaign he evinced that military talent which characterized his after life. He was soon after elected major of a battalion of militia, afterward colonel of a regiment, and subsequently, brigadier-general.

"This position he held for many years, which he resigned in consequence of ill-health. He was of clear and vigorous mind, and of the most scrupulous honor, truth, and integrity; very few, amongst men, are ever found more exemplary in their conduct, or upright in all their dealings with their fellows, than he was. In the latter years of his life, he was severely afflicted. At one time, he was completely paralyzed in every member of his body, though his intellectual powers remained unimpaired. From this affliction he recovered sufficiently to travel about and attend to his farm. He took great pleasure in agriculture and stock raising, particularly in sheep, and occasionally contributed with his pen to journals devoted to these objects. In politics, he was of the old Crawford, Troup, State rights school, these were the principles of his youth, his manhood, and old age.

"He was emphatically a good citizen, a kind neighbor, an affectionate husband, a tender father, and an indulgent master.

"Pneumonia was the disease that took him off at the age of sixty-seven. He seemed to be conscious of his approaching change, and met it with perfect resignation, retaining his consciousness until near the last.

"He was of the Presbyterian faith, though he never united himself with any church.

"In him has passed away one of the best of men (taken all in all) ever known by one who has seen a good deal of mankind, and who knew him well."

ordinary capacity as well as other good qualities. This kind gentleman was Mr. Charles C. Mills. He proposed an arrangement by which young Stephens might be able to secure to himself a better education than he seemed likely to acquire at home.

He had been to school five months after the death of his father, attending school in winter, and working on the farm in summer. The offer of Mr. Mills, which was to send him to school, was accepted, but with the distinct understanding that the money was a loan that Master Stephens was to repay. This arrangement being concluded, he went to the Academy in Washington, Georgia, then one of the best classical schools in the State.

It was under the direction and control of Rev. Alexander Hamilton Webster, before referred to. Under this most excellent gentleman, with whom he boarded, Master Stephens commenced his studies. The clergyman was delighted at the proficiency of his pupil. Mr. Webster had the charge of the Presbyterian church there at that time, and at an early day, after the pupil entered the academy, had the satisfaction of receiving him into church membership.

Stephens had no such opportunity before, no church of that faith being near his father's. Toward the close of the first term, Master Stephens was informed by Mr. Webster, that the proposition of Mr. Mills had been at his instance, having heard of Master Stephens not only from Mr. Mills, but from several other sources. He thought, if educated, his pupil would be well fitted for the ministry. He had made the arrangement with a view of having him under his own observation, and of satisfying himself on that point. He was well pleased, and urged upon young Stephens this course for his future life. He stated that it was his desire to prepare him for college, to furnish board and tuition, and after that, there was a Board of Education, known as the "Georgia Education Society," which would supply all further needful means.

This was a new phase of the question, and the young student

was somewhat perplexed by it. Upon returning home to his uncle's at the close of the term or quarter, and consulting with the uncle, who offered no opposition, and with an aunt—a highly intellectual, excellent, and religious lady, who approved it—he concluded to pursue his studies under the arrangement proposed. It was with a renewal of the understanding, however, that all advances of money should be returned, in case he should not, on arriving at maturer age, feel it to be his duty to enter the ministry. In any and all events if he should ever be able. These views he reported to Mr. Webster at the opening of the next quarter. They were acceptable, and he continued at school. In a short time, however, Mr. Webster—a man who stood high in Georgia as a teacher and a divine—was taken ill with a malignant autumn fever, and died a few days after. This loss was deeply felt by Master Stephens, who cherished toward him a filial regard, and had (as before stated) adopted the middle name of his benefactor in token of it. The prospect of the future, as it was before open, was utterly changed, and he immediately prepared to return to his uncle's.

Several gentlemen of wealth and worth in the town, however, who were devoted friends to Mr. Webster, and members of his church, knew his estimate of Master Stephens, and his wishes in that regard. Among them may be named Adam L. Alexander, Dr. Felix Gilbert Hay, Colonel Duncan G. Campbell, father of Hon. John A. Campbell, late of the United States Supreme Bench, and Mr. William Dearing. These urged young Stephens to remain at the school, which was continued under the direction of Rev. Thomas Magruder. They opened their houses to him, and bade him make himself at home with them. The kind offers were accepted, and he first spent a portion of his time with Mr. Alexander, then with Dr. Hay, and last with Mr. Dearing, until he was prepared for college.

He entered the academy early in August, 1827, and left it early in June, 1828; there having been a vacation of six

weeks between these periods. So that, beginning with the rudiments of English, he was prepared for college in nine months.

Of the persons above named, Colonel Campbell died just before Mr. Stephens entered college. Dr. Hay and Mr. Dearing have long since been dead; Mr. Alexander still lives in Washington, Georgia, and is known as one of the most intellectual, best informed, and worthy men of the State.

Thus Mr. Stephens entered college in August, 1828, and took his place in the Freshman Class. As time advanced, there was no change in his religious inclination, but by the close of the second year great doubts had arisen in his mind as to his special fitness for the sacred office. While under such a doubt, the beneficiary circumstances under which he was placed were a little embarrassing, and he made his trouble known to the uncle who was his guardian.

The guardian was by this time satisfied of the trustworthiness of his ward and minor, and surrendered to him the corpus of his patrimony. With this, he for the future paid his way, and upon graduating in 1832, with the highest honors, he borrowed enough from his elder brother, Aaron G. Stephens, to pay all arrears of advanced money, with interest. His *Alma Mater* was the State University at Athens, generally known as Franklin College.

With his native honest independence, he at once obtained a situation as teacher in Madison, Georgia, and afterward a position as private tutor in Liberty county. As a teacher he was remarkably successful, and equally popular with the patrons for the rapid and thorough advancement of their children, and with the pupils, for all the liberty and kindness compatible with inflexible firmness on his part and complete obedience on theirs. There are few of those pupils not now eminent.

The result of his labor as teacher and tutor (which last place he took from failing health) was a considerable exhaustion of the little vitality he had, but the full payment of all his debts, and a small sum of money in his pocket when he began the study of law.

His attachment to the first pocketbook he ever had, has been

often, but not always accurately spoken of. He yet carries it constantly with him, and the date in it is, May 26th, 1834. He began the study of law on that day. A lawyer of Crawfordville, Mr. Swepston C. Jefferies, was retiring from practice, and had already sold out the most of his books. The few remaining elementary ones, *to wit*, Starkie on Evidence, Maddox's Chancery, Comyn's Digest, Chitty's Pleadings, etc., Mr. Stephens bought and paid twenty-five dollars for them. That day, wanting something to hold papers, he went to the store of a merchant who was not acquainted with him, to purchase the receptacle we have spoken of. The merchant did not know that he wished to pay for it, and asked some one if he could safely trust young Stephens. The question of credit was not made, however, and the wished-for article was bought and paid for.

Upon the purchase of the law books, Mr. Stephens took the place in the sheriff's office vacated by the retirement of Mr. Jefferies. The arrangement had been that the attorney might occupy the room in the court house appropriated to the sheriff of the county, on the condition of giving that officer general legal advice in the discharge of his duties. The young neophyte took it on the same terms, and thus held it until his election to Congress in 1843. He read law alone and without any instructor. To acquaint himself with the forms of practice in use in Georgia, he had access to the clerk's office in an adjoining room. Much of the recording of the clerk was done by him, to gain familiarity with the full details of an action, from the *Declaration*, to final *Judgment* and *Execution*. Also the same with Equity Pleadings, there being then, as now, a chancery *side* to the Superior Courts of his State. No assistance was had from any other quarter.

A little poem that was once the pet school speech of small southern children, says:

"Large streams from little fountains flow,
Tall oaks from little acorns grow."

And few great things have ever come from smaller, more unpromising, and more obscure beginnings, than the man we write of.

II.

RISE AND SUCCESS IN LIFE.

ADMISSION TO THE BAR—ELECTION TO THE LEGISLATURE—
ELECTION TO CONGRESS.

MR. STEPHENS was admitted to the bar on the 22d day of July, 1834, when twenty-two years old. No profound jurist of the school of Coke upon Littleton had helped him, but he went to the examination relying alone upon his wonderful memory, and his text books. He was examined before the Hon. William H. Crawford, at the last court but one he ever held; by Hon. Joseph Henry Lumpkin, afterward and now Chief Justice of the State Supreme Court. Upon admission, he was complimented by these eminent jurists upon having sustained as good an examination as they had ever heard in all their time at the bar. Mr. Jefferies, the retired Attorney and Counsellor we have spoken of, being wealthy and having some professional ambition, proposed that Mr. Stephens should go with him to Columbus, Georgia, on the following terms: Mr. Jefferies to purchase a large law library and fit up an office there, Mr. Stephens to be his partner. He offered to guarantee young Stephens fifteen hundred dollars a year, besides his board bills, if the half of the partnership did not amount to so much; an equal division if it exceeded that. Mr. Stephens replied that he would rather stay where he was if he only made one hundred, than make five thousand a year anywhere else. Mr. Jefferies laughingly said he would guarantee that for nothing, and assured him of tolerable, if not brilliant success even there. The encouragement thus given as to the prospect of making a bare living, near the scenes of his childhood, decided him to remain in Crawfordville. That

interview settled the question of location. He lived on six dollars a month, made his own fires, blacked his own boots, and made four hundred dollars the first year.

He had a horse the second year, which he groomed himself.

As an illustration of the deceptiveness of appearances, we give the following anecdote which Mr. Stephens tells of himself:

There was at that time a shoe factory in Crawfordville, and as Mr. Stephens passed there one morning early, walking fast as his habit was, one of three negroes suspended his cup in the act of dipping up water, and asked:

"Who is that little fellow that walks by here so fast of mornings?"

The second replied:

"Why man, *that's* a lawyer!"

The third negro exclaimed:

"A lawyer! *A lawyer*, you say! Ha! ha! ha! *that's* too good!"

That conversation, thus overheard, caused the young attorney much serious thought. He was not angry, but took it as an accidental revelation of popular opinion of him. The prospect at the time and place was any thing but promising. There were less than half a dozen cases returned to that term of the court. It was from this reason that Mr. Jefferies had retired from practice, there not being enough business to engage his attention. Mr. Stephens had stayed on his kind assurance of *some* business.

The amused negroes did not know that the "lawyer" would be so prominent a defender of the wronged of their race. Mr. Stephens has defended and saved the lives and persons of more negroes, perhaps, than any man in Georgia. The negro who made the remark was free, but in less than six months, that "little fellow" had saved him from punishment under a serious charge, by exposing a defect in the warrant.

Mr. Stephens' "*shingle*," as the saying is, was put out, and the next week he started on the circuit.

Rather an interesting anecdote is told of his first adventure in beginning the profession :

The next court was at Washington, Georgia, the place of his school-boy days. There were no railroads or public conveyances between the places. He had no horse, and was too proud to ask the loan of one from any of his acquaintances in the town. The whole distance was a little too far for his strength, should he undertake it on foot. He walked to his uncle's, which was about ten miles, or half the distance, and but little out of the way—carrying his saddle-bags, containing a change of clothes, upon his shoulders. He chose the cool of night instead of the heat of a July day for this undertaking; and resting frequently on the stones of the road-side, sadly meditated in his darkened loneliness upon the deeper darkness that enveloped his future fate. A horse was borrowed from his uncle without scruple, and the next day he proceeded on his way. The change of clothes, above mentioned, consisted in part, of a pair of thin, white, cotton *pants*, of cheap material, very suitable for the season, and somewhat of the appearance of linen. That he might enter the town and the court room as decent as possible, he dismounted a short distance from the suburbs, and doffed the somewhat worn unmentionables with which he set out, and donned the aforesaid white ones in their stead. Also, otherwise arranged his toilet the best he could, for his first appearance as a member of the Bar on the circuit. The reverse operation was gone through with on his return.

Such were the straits to which a sense of economy then compelled him to resort.

That period of his life was one of sore apprehension. He was sickly, not able to do manual labor, poor, almost friendless; and the brain that ached from disease and was weary with toil, was haunted by the grim question of EXISTENCE! Dependent entirely upon himself, his powers untried, and faith built upon will, not ability, the great YES and NO of all beings, resolved

for him into the problem, would he live or die: if live, how? Still he clung to his people, his home, and the graves of his sires, with stronger attachment than even the German boasts for his own Fatherland. No temptation, then or since, has divorced his heart from the red, sterile hills of his birth-place, and to all allurements, even when the voices of home seem to appeal to his ambition or his interest, and bid him go; his heart seems to answer to his people, as did Ruth to Naomi, "Entreat me not to leave thee, to return from following after thee; for whither thou goest I will go; and where thou lodgest, I will lodge; thy people shall be my people, and thy God my God. Where thou diest I will die, and there will I be buried; the Lord do so to me and more also, if aught but death part thee and me."

Within ten days after his admission to practice, he was employed in a very important case. A wealthy gentleman of high position and great influence, upon the death of his son, had been appointed guardian of the person and property of his granddaughter, then an infant, its mother being married to a second husband. In the course of time, the mother claimed possession of the child, which claim was resisted by the grandfather, who claimed it as legal guardian. The step-father, wishing to please the mother, his wife, came to the young lawyer, and engaged him as counsel to set aside the guardianship; other lawyers having failed, and Mr. Stephens having, upon being consulted, given his opinion that the letters of guardianship as to the person of the child should be revoked, and the mother given charge of the care and education of her daughter.

The trial was before the five judges of the Inferior Court, with no jury, sitting as a Court of Ordinary, upon motion to set aside the letters of guardianship, so far as related to the person of the child. Great interest was manifested in the attempt of the ungainly lawyer to meet and foil Mr. Jefferies, then the veteran of the bar at that place, and who, notwithstanding his retirement from the bar, had been prevailed upon

to reappear in this, the most exciting case that had been tried in the county for a number of years. The result was, that the guardianship was set aside, and the child restored to its natural place, in the arms of its mother. The triumphant advocate at once took the place at the bar he has held ever since, and was soon retained on one side or other, of every important case tried in his county.

A close student always, he now spent no idle time, and every dollar he saved, went to buy those tools of the brain, books, which he often read until the gray hours of morning.

His county practice soon extended throughout the judicial circuit known as the northern circuit. His acquisitions in legal lore made in the first two years after admission were amazing, and his rapid rise within the same period to position and distinction as a lawyer, was no less amazing and wonderful. In that time he had taken rank with the first men in the circuit, and was retained as leading counsel in many of the most important causes both in law and equity in it. The wonder at, as well as merit of this extraordinary rise, may be better understood when the character of some of the men with whom he had to cope is considered. They were no pettifogging attorneys or unskilled advocates.

The bar of the northern circuit has always been equal if not superior to any in the State. This galaxy of talent never shone brighter than it did from 1834 to 1836. It embraced in its circle many who would have been pillars and ornaments of the profession wherever the common law is administered. Some of these may be named—Nathan C. Sayre, Eli H. Baxter, James Thomas, Garnett Andrews, Daniel Chandler, Robert Toombs, William C. Dawson, Francis H. Cone, and Joseph H. Lumpkin.

Sayre, Baxter, and Thomas, were then in the prime and vigor of life, and building up that substantial fabric of judicial reputation they have left behind them. They were all of the county of Hancock. They each, in turn, subsequently occu-

pied the bench. They are all now departed, but their deeds live after them, and their names will not soon die.

Andrews, Chandler, and Toombs, were of Wilkes. Andrews went upon the bench on the death of Judge Crawford. This position he held for several consecutive terms of office, and in it, in the discharge of its high duties, suffered nothing by comparison with either his immediate illustrious predecessor, or with the renowned Dooly, who occupied the same seat before Crawford.

Toombs, whose reputation is now world-wide, and whose intellect is equal to the greatest of this or any other country, was then just beginning to win his first laurels in forensic encounters—having been admitted four years before by special act of the legislature, as he was not of age at the time.

Chandler, the senior of Toombs by a few years, though possessing less of his genius and power, had already become greatly distinguished for his fascinating manners, classical scholarship, elegant diction, flowery rhetoric, and commanding address before the juries. He moved soon after to Mobile, and became a law-partner of the very distinguished jurist, John A. Campbell.

Dawson and Cone were of Greene county, and though they did not reside in the northern circuit, yet they were numbered with the members of its bar, for they attended the courts in every county in it.

Dawson's fame at that time, both as lawyer and legislator, was co-extensive with the State. He was at that time personally, perhaps, the most popular man in it. His manners were courtly. In speaking, his action was easy and graceful. He abounded with wit and humor, and often put the whole court-house in a roar of laughter with his sallies of this sort.

Cone was widely different from Dawson, but by no means his inferior in any of the essential requisites of a lawyer. Like his immediate rival, his reputation was already established far and near. Like him, also, he had a vein of the most exquisite

humor. But humor was not his forte in the court-house. He addressed himself more to the judge than to the jury. Being thoroughly versed in the whole science of the law, and possessing a strong, well-trained, logical mind, no man was ever clearer or more brilliant than he often was in the elucidation of its most abstruse principles.

These two leading spirits, who filled so large a share in the sphere in which they moved for so long a time, were then also in their prime, and with their brethren of Hancock they have also departed.

Lumpkin, the last of the galaxy mentioned, was, at the time we write of, a resident of the county of Oglethorpe. He was then in his full glory as an attorney, advocate, and counsellor at law. And with what splendor did that glory shine? With eloquence of the highest order he combined the profoundest knowledge of the law in all its departments—qualities as grand and exalted as they are rare. He now lives at Athens, ripe with honors and age. For twenty years and more he has been Chief Justice of the Supreme Court of the State.

These, be it remembered, were some of the giants at the bar with whom the stripling Stephens had to contend when he entered the arena of the northern circuit. All of these were men of mark in their day, and have left, deeply fixed, their impress upon the institutions of the State. It was amongst such men the subject of our sketch took rank and became a peer within the space of two years.

During this period his health was better than it had ever been before. He had no serious attack of disease of any sort in that time.

In August, 1836, he met with several old class-mates at the annual commencement of the State University, and they all congratulated him on improved health. All of them were weighed, and his weight was ninety-six (96) pounds, which was more than he had ever weighed before.

In 1836, contrary to his expressed wishes, he was nominated

by his friends for the lower branch of the general assembly of his State, and triumphantly elected against a bitter opposition. That opposition grew out of two facts. *First*, his being openly and decidedly against the doctrine of nullification, which was almost universally held by the people of the county. *Second*, He had taken a stand sometime before in a county meeting, against the proposition brought forward by the most popular man in the county (who had been State Senator for years), for the appointment of a Vigilance Committee. The proposal was to raise and clothe such committee with full powers to take up and punish all persons who might be suspected of circulating incendiary sentiments or doctrines among the slaves, without resorting to regular prosecution under the law. Such committees had been raised in several other counties of the State, and a meeting for that purpose had been called in Taliaferro. A very large audience was present. Mr. Stephens was there. The resolutions were submitted and about to pass, *nem con.* Mr. Stephens arose and opposed them.

This led to high debate. At first the odds seemed to be against the youthful opposer. He maintained his ground against all the array, with a firmness and sternness that have ever marked his course. He appealed to the people with a fervor that has seldom been surpassed by him—as they valued, prized, and cherished liberty, “to stand by the supremacy of the law.” Upon a vote, the resolutions were defeated by a very decided majority.

His course gave rise to insinuations and charges, that he was unsound upon the question of slavery. These, with his anti-nullification sentiments were brought against him in his first canvass. Finding the opposition so fierce on election day, he mounted a work-bench in the court-house yard, in lieu of a stump, and made what is yet spoken of as one of the most telling speeches of his life.

The lack of health was one great reason of his disinclination to accept office. The two years' rest from disease was over,

and on the 22d of the previous August (1836), he had a severe attack of bilious fever. He was badly salivated, and did not recover sufficiently to leave his bed until the last week in September. The election was the next week; and when he did get out, he seemed scarcely able to walk, much less speak. In spite of the opposition and his own feeble health, he defeated his highest competitor more than two to one. At Milledgeville, the State capital, during his first session, he had a severe attack of pneumonia, and did not recover during all that winter; but notwithstanding all this, his forensic talents, and sound judgment soon gave him great weight and influence in that body. His was no easy task, of taking rank among those he met as their intellectual equal, for the calibre of that legislature was far from mediocrity. Hon. Charles J. Jenkins, Hon. William W. Gordon, Hon. Andrew J. Miller, Hon. James A. Merriwether, Hon. Edward Y. Hill, Judge Iverson L. Harris, Hon. Samuel W. Flurnoy, of Columbus, Hon. Robert Dougherty, and other great Georgians were there, and it was a combat of Titans.

[As an orator, in style and manner, Mr. Stephens is entirely original. He is a model of himself, such as it is, *sui generis*. He has no studied attitude or action, or measured phrase. In speaking, all his life, he seems to have acted on the idea formed early, and which is given in one of a series of letters, written by him, during his first session in the legislature, to his friend Dr. Thomas Foster, of Crawfordville (the builder of the Foster House referred to)—a man of rare intelligence and great worth, and whom he often speaks of as the Mentor of his early days. In one of these letters, now before us, he says:

“I have, since I came here, come to the conclusion that words are—if you please—moral instruments capable of effecting much, when properly applied and directed. And it is altogether useless, at any and all times to talk, without having in view some object to effect. In legislating in Georgia, it is waste of breath

for a man to talk about Greece and Rome, Scipio and Hannibal, Tyre and Carthage, or any of that learned sort of lore. If one indulges much in it, he is soon looked upon as a fool, speaking in an 'unknown tongue,' and very properly so too. Eloquence, *true* eloquence, is certainly in some degree an art; but in nothing more than in selecting and fitting the matter to the time, place, and circumstances. The whole generation of our young orators, instead of reading Blair for rules, Scott and Addison for figures, and Bryon and Shakspeare for quotations, had better be studying their subject, and thinking to whom they are going to present it, and how they will most probably engage attention, and produce conviction in the minds of those to whom it is presented. Success in producing conviction is the object of oratory."

The first speech of Mr. Stephens in the legislature, was his effort upon the subject of the State, or Western and Atlantic railroad, connecting what is now Atlanta, Georgia, with Chattanooga, Tennessee.

On the 10th of May, 1857, the Hon. Iverson L. Harris, now of the Supreme Court of Georgia, wrote a letter to Professor Williams Rutherford, of the State University, giving him a history of the State road, and some incidents connected with the passage of the act of the legislature, first authorizing its construction. The whole letter is exceedingly interesting, but for our purpose, we quote but the following:

JUDGE HARRIS TO PROFESSOR RUTHERFORD.

"MILLEDGEVILLE, May 10th, 1857.

"MY DEAR SIR:— * * * * *

The debate lingered for days, and when every one was worn down and tired of the name of 'Main Trunk,' from under the gallery a clear, shrill voice, unlike that of any man of my acquaintance, was heard saying '*Mr. Speaker!*'

"Every eye was turned to the thin, attenuated form of a mere boy, with a black gleaming eye and cadaverous face. The attention became breathless, the House was enchained for half an

hour by a new speaker, and one with new views of the question, such as had not been discussed or hinted at by others.

"When he sat down there was a burst of applause from a full gallery, and many of us on the floor joined in the chorus.]

"That speech *was electrical!* It gave new life to a dull debate, it aided immensely in the passage of the bill for the survey of the road, and the appropriation for it. It was the first and maiden speech in the legislature, of that gentleman.

"From that hour he has been a man of mark, and now he is recognized in the House of Representatives, at Washington, as its foremost man.

"Need I say—that man was Alexander H. Stephens."

* * * * *

In the letter of Professor Rutherford, giving the use of the letter from Judge Harris, he thus speaks of the subject himself, he then being a boy, and occasionally attending the sessions of the general assembly.

"UNIVERSITY OF GEORGIA, ATHENS, *June 8th, 1866.*

"MR. HENRY CLEVELAND, *Augusta, Ga.*

"DEAR SIR:—I remember many things which occurred during that very remarkable session of the Georgia legislature, in the winter of 1836. Nearly all the men who have made history for Georgia were members of that legislature. I remember the circumstances of that very remarkable speech of Mr. Stephens made during this session, and to which Judge I. L. Harris has so ardently alluded in the letter I send you. If I mistake not, it was Mr. Charles J. Jenkins, then the leader of the House, who approached Mr. Stephens at the conclusion of his argument, and said: 'Sir, that speech will send you to Congress.'

"Georgia owes much to the Legislature of 1836; and much, *very much* to Mr. Stephens and his noble colleagues for the work performed during that session. The crowning act of the general assembly was the passage of the bill for the building of the Western and Atlantic railroad. One sprightly young man who opposed the construction of the road, facetiously remarked that 'the road would pass through a country filled with mountains

so steep that a spider could not crawl up them.' If such counsels had prevailed, Cherokee, Georgia, instead of being the most populous and wealthy portion of the State, would still be a gymnasium for spiders.

"The Western and Atlantic railroad is now the hope of Georgia, crippled as she is in her financial condition. It owes its success to such men as Mr. Stephens, who composed the controlling power in the legislature of 1836."

* * * * *

In building that road through the mountains, there were great obstacles, both from nature and men, and its defenders and projectors ceased not from their labors from 1836, when it began, to 1848, when it was completed. The appropriation of \$300,000 for the tunnel through the rock of Tunnel Hill, in 1847, about finished the work. It has been the great source of revenue to the State, especially under the improvements of Governor Herschel V. Johnson, and the financial skill of Governor Joseph E. Brown.

One secret of Mr. Stephens' wonderful success is his more wonderful memory, which supplies the material for the power of the orator and the finished elegance of the scholar. The mere weight of its long-garnered treasures might consign a less perfectly balanced mental organization to a mad-house, yet every sheaf of knowledge stands in its proper place, distinct and easy of access, and not a grain of literature, or legal or political lore is ever lost. His great success as a debator on the hustings, results, in a great measure, from this source. Many a gallant adversary has been quickly and completely unhorsed by one or two sudden assaults upon the supposed facts upon which their argument rested.

Georgia is yet indebted to the speech above alluded to, and to the zeal and brain that made a highway through the fertile valleys of upper Georgia, and linked the cotton and rice belt of the seaboard and the gulf with the vast grain fields of Tennessee and the West. The fame of that speech yet lives, and

men yet tell how the feeling of annoyance, when the little man from Taliaferro arose, gave place to the hush of breathless attention, as his electrical utterances lifted him from the unknown

“Mere part of a crowd”

to the altitude of the statesman and the equality of the great. Another honorable part of his record is as chairman of the Committee on Education, at a later session, and his well-appreciated services as champion of the State University; his *Alma Mater* just then much needing his services. He was also of great service to the bill of Mr. Lewis, of Troup county, for the incorporation of the Macon Female College. It is believed to be the first institution of the kind ever chartered in the world for the regular graduation of young ladies in the highest branches of science. Mr. Stephens refers to it in his speech of July 2d, 1859.

In April, 1837, he was again utterly prostrated by disease, and confined for months. When pronounced convalescent, he was so weak that he could not even move his lower limbs in bed. At first he had to be lifted and carried from one part of the house to another like a child. The disease seemed to be a general letting down of the system. It was the result of over mental working, the severe, and, for him, incredible labors of the past three years. He then travelled in the mountains of Georgia, seeking invigoration from the streams and breezes of the hills, but became a confirmed dyspeptic. He could eat but very little, and for two or three years probably did not eat as much as five pounds of meat of any kind. The only diet he could bear was milk and bread.

In September, 1837, he returned from the county of Habersham, among whose mountains he had spent the summer, and, though not at all well, was again elected to the Legislature, this time without any opposition. He was better in the winter than the summer, but never well. In April, 1838, he was again attacked by his besetting malady, and was advised to take a sea

voyage, which he did. He went to Boston—probably never expecting to be a State prisoner there.*

From thence he went through New York to Saratoga, becoming no better, but worse. Finally, in August, he went to the *Green Briar White Sulphur* springs, in Virginia. These waters were to him almost the Fountain of Youth, that Ponce de Leon sought so long, for they seemed for awhile to renew the vital powers, and, like a charm, arrested the rapid decline. In 1839 and 1840, the general bad health continued, and during both those years he spent the most of the summers in the mountains. While absent in 1838, Mr. Robert Toombs generously offered to attend to all his law business, that he might travel and not die. These two statesmen, often called the Castor and Polux of the State, have always been friends.

During the two years we have spoken of—1839 and 1840—Mr. Stephens kept up his office business, but gave up all reading, and was too weak to either walk well or ascend steps without a cane. Many of his declarations and court papers were written in bed. His brother, Aaron G. Stephens, of whom we have before spoken, a good business man, and his senior in age, attending to entering his judgments in court when he could not attend in person. As we have said, this brother is not now alive, having died in 1843.

Notwithstanding his great weakness and prostration in the summers of 1838, 1839, and 1840, he was elected to the legislature in each of those years, and attended the sessions in the winter.

John Savage, Esq., thus speaks of an interesting portion of his personal history in the spring of 1839:

“In that year, Mr. Stephens appeared for the first time before a public audience in Charleston, South Carolina, in his capacity of delegate to the Commercial Convention, composed of distin-

*As a singular coincidence, he reached Boston harbor, and passed close to Fort Warren, on the 25th of May, 1838. On the 25th of May, 1865, he stopped there as a prisoner.

guished representatives from the Southern States of the Union. The convention assembled in the theatre, at that time the most commodious edifice in the city, for that purpose. The delegates occupied the pit, and so many of the boxes of the first and second tier as was necessary to accommodate them. The rest of the building was crowded to its utmost capacity by a brilliant, intelligent, and fashionable audience, composed of ladies and gentlemen. The subject under discussion was the importance of a direct trade between the South and Great Britain, and the best mode of awakening public attention to the subject. On the first point, there was great unanimity in the opinions of the convention; but on the second—the mode of action—the views of members differed widely, and Georgia and South Carolina, as has too often been their case in past history, were opposed to each other. General Hayne, General Hamilton, Major Filder, Hon. William C. Preston, and other distinguished Carolinians, had already addressed the convention in speeches of great splendor and eloquence, advocating a particular line of policy. At length an individual arose in one of the boxes, the tones of whose voice were rich and penetrating as those of the ‘Sweedish Nightingale.’ This personage—who, however celebrated in Georgia, was not as yet known in South Carolina—was no other than Alexander H. Stephens. But ‘the hour and the man had come,’ and no one who heard that speech delivered can ever forget the electric effect produced by it. He had hardly commenced speaking when every neck was extended, and every eye fixed in mute wonder. The contrast which existed between his physical delicacy and his intellectual strength, between his masculine habit and his mellifluous intonations, produced the utmost astonishment. A feeling which gradually subsided into intense admiration of his quick wit, his keen powers of analysis, his rapid generalizations, and his overwhelming replies. It was a bold proceeding in a stranger—though one in whose aspect mind triumphed over the grosser elements of the material frame—to measure swords with such antagonists as he encountered in that assembly; but it was a still more memorable exploit to obtain as he did the victory over them in argument. The triumphant speech, in which he had snatched

their laurels from the most brilliant lawyers of the occasion, was the topic of general comment and of unmeasured eulogy, and he himself, though a modest and unassuming young man, became, wherever he appeared, the 'observed of all observers.' The delegates collected from different and distant portions of the South, and who were enabled for the first time to appreciate his singular merits, on their return to their several homes, contributed, by their enthusiastic account of his success, to extend his fame to the remotest parts of the country."

An amusing anecdote is told of that visit to the beautiful "city between the rivers." Being fatigued on his arrival at the hotel, Mr. Stephens availed himself of a comfortable sofa or lounge, and made the situation as easy as possible. His two travelling companions were Mr. Thomas Chafin and Dr. John M. Anthony, merchants, who had been frequent guests of the house. The good lady of the house came in just then, and found the two last-named gentlemen still standing, and what she took for some country boy occupying the easy lounge. Her manner was perfectly kind and somewhat patronising, as she said to him, "My son, let the *gentlemen* have this seat." The "gentlemen" were amused, and the kind landlady much annoyed, when she afterward found that her "son" was the important personage of her house, and very soon the lion of the whole city.

In 1841, Mr. Stephens was not engaged in politics, having positively declined réélection to the legislature. His health grew some better, and he did a very large business. He still suffered greatly from dyspepsia, and could eat but few articles of food. He suffered from horrible headaches; these had attended him all his life. In 1842, he was elected to the State Senate, and the labors of that session were, opposition to the Central Bank, and an active interest in the questions of internal improvements and in advocacy of a measure for dividing the State into Congressional districts. The great debate of the session was on Federal Relations, upon the Report of the Committee on the State of the Republic. Mr. Stephens was

not a member of the committee, but at the request of the minority, drew up their report. This is given in full in this collection, as it embraces the principles and doctrines on which the Whig party organized in Georgia, on the questions that then divided the Whigs and Democrats in the Union. It is almost needless to say, that Mr. Stephens took the lead in debate and added to his reputation as orator and statesman. Quite an array of talent was in the Senate that year: Andrew J. Miller, of Richmond; N. G. Foster, of Morgan; Solomon Cohen, of Savannah; Alexander Lawson, of Burke, and James M. Kelly, first reporter of the State Supreme Court, among them. We have been informed that Mr. Pettigrew, the distinguished Carolinian, was there, and spoke of the oratorical and logical displays of Mr. Stephens on that occasion in the highest terms. Some writer has said of him at that period, "He distinguished himself both in debate and in the unostentatious but most important task of forwarding the public business. It is rare that a man possessing a high order of oratorical talent, has those habits of indefatigable application and perserving industry so necessary in the committee room; yet in Mr. Stephens, these great and useful qualities are admirably harmonized. A matter entrusted to his care, either officially or by friends, is always carefully examined, and never neglected." In April, 1842, he had a severe attack of sickness, and at that time it was thought he had consumption. He was laid up all summer, and for six weeks did not leave his room. His pulse was one hundred and twenty beats to the minute the most of the time, expectorations copious, his breast and side blistered again and again; being thus kept raw for weeks at a time. The disease was finally pronounced an abscess of the liver, which broke and found vent through the lungs. The election to the State Senate was in October (1842), and after the discharge of the abscess, his health was for a time better than ever, since 1836. In 1843, the year of his first nomination to Congress, his health was better than it had been for several years. He spent the summer

in upper Georgia, and there opened the canvass which was the most interesting of his life. When he accepted the nomination, which was almost forced upon him, he had little hope of success; at the election of the year before, the opposite party having a majority of two thousand. Hon. Mark A. Cooper, had been nominated by his party to run for governor, and had resigned his seat in Congress for that purpose. Mr. Stephens became a candidate to fill that vacancy, being nominated without his knowledge or consent at the time. At the urgent entreaties of friends he accepted and went into the canvass.

The race was made on the general ticket system, that is, the State was not then divided into Congressional districts. The same ticket was voted for by the respective parties throughout the State.*

In that canvass he met many of the leading men of the State, of the opposite party, in politics in discussion. The debates had an unusual and wonderful effect upon the popular mind. Full accounts were given of them in the newspapers and circulated through the State. During the canvass, the "Minority Report of the State Senate Committee on the State of the Republic," alluded to before, drawn up by Mr. Stephens while in the Senate of Georgia, 1842, was the main text as to Federal relations. It was the first time that the Whig party of Georgia had organized on any definite principles. The most important discussions were those at Cassville, with Hon. William H. Stiles; at Rome and Chattoogaville, with Hon. John

* The following is a transcript of the first ticket ever put in the ballot-box for Mr. Stephens when a candidate for the State Legislature, and is interesting also, as illustrating that general ticket system of which we are speaking :

STATE RIGHTS TICKET.

<i>Congressional.</i>	{ Alford, Black, Colquit, Dawson, Habersham, Jackson, King, Nesbit.
<i>State Legislature.</i>	{ FOR SENATE—Gresham. REPRESENTATIVES—Stephens, Darden.

II. Lumpkin; at Daholonega, with Hon. Solomon Cohen; at Canton, with Hon. Howell Cobb; at Newnan, with Hon. Walter T. Colquitt; and finally at Jackson with his competitor, Hon. James H. Starke.

The debate with Hon. Walter T. Colquitt, United States Senator, which took place in the latter part of September of that year, was, in many respects, the most important of the canvass. The fame of it spread far and wide; and it is often spoken of to this day. There never was any authentic report of it; but many incidents are even yet graphically set forth by some of the survivors who witnessed it. Judge Colquitt was then at the head of his party. He was a man of rare ability, of great eloquence, and generally deemed irresistible before the people. It was reported that he had said, upon hearing of Mr. Stephens' triumphs over others in the up-country, "that his hands itched to get hold of him."

When it was known that Mr. Stephens had made an appointment to speak at Newnan, the judge was sent for to meet him. He resided at La-Grange, about thirty miles distant. He came fresh and vigorous for the contest. Mr. Stephens was jaded, and seemed hardly able to stand up for an hour, much less to break a lance with the *Richard Cœur-de-lion* of Georgia.

His friends asked him not to go into the discussion—not to allow the judge to speak—to claim the day as his own. The truth was, as they admitted afterward, they were afraid the discussion would result in the complete overthrow of their cause. The county had been nearly equally divided for several years. Twice within a few years there had been a tie in the election of County Senator.

Mr. Stephens, however, insisted on giving the other side a "showing" in the person of any one who might desire to be heard.

The terms were therefore soon agreed upon between himself and the judge, while the vast crowd were assembling at the place of speaking. Both sides had come out in full strength;

the one greatly elated, his own as much depressed by unpleasant forebodings. The champion of the one was known and literally at home on his own tourney ground; the other, a stranger—nothing known of him beyond the report of others, and his personal appearance gave no assurance of the truth of that.

Without attempting at this time to give any thing of a general sketch of the discussion which ensued, either in relation to order, programme, or the leading topics introduced, we will only present one of those graphic incidents alluded to.

As the story goes, a certain gentleman of the county, who had been a member of the legislature with Mr. Stephens, had been looking over the Journals of the House for votes of Mr. Stephens which he thought might be used against him before the people. These he thought he had found, and *dog-eared* the book at the proper places, and presented it to the judge to use in the course of his speech. The votes selected were several given in the legislature by Mr. Stephens; against bills providing pensions for Georgia soldiers who served in the then late Creek war, and for the widows and orphans of some who had fallen in battle. One vote, against paying the men attached to Gen. Charles H. Nelson's command, in his well known Florida expedition, and others.

Judge Colquitt, using the journal thus furnished him, on the spur of the moment, brought these votes out against his antagonist, with a most telling effect before the crowd. No man then (as now) could look for popular favor who was not a friend to the soldier and the soldiers' widow and orphans. The disclosures seemed to put Mr. Stephens in a bad predicament; his friends were greatly alarmed; some hung their heads, while others actually quitted the locality.

Mr. Stephens, in rising to reply, came at the senator with one of his bold dashes. "The bill for Georgia to pension her own soldiers, he *had* voted against in the legislature. The Congress of the United States, in whose common cause these

men had fought or died, had already provided pensions for them or their families. Did the senator not know this? Was it right that Georgia should pension her own soldiers who had become disabled in the cause, not of the State, but of all the States? It was not because he opposed the pension, but was opposed to its payment by the State. Would the senator arise before that audience and say that it was right for Georgia to pay the pensions of her soldiers while she was contributing her portion to pay the pensions of the soldiers of all the other States? He was not opposed to the pension, but if the people would elect him to Congress, he would see that the persons who deserved pensions received them, and from the right source, too!"

Upon the subject of the Nelson troops, he said "he *did* vote as stated." He then picked up the Journal of the House, and read what he had voted against. It was a bare resolution, appropriating money. He then turned to the Constitution of the State, which provides against the appropriation of money from the treasury, save by bill passed in proper form, after three readings in each house. His vote against the measure was because it was unconstitutional. He then turned to another part of the journal, in which it appeared that the same measure had been introduced by bill, and showed that he had then voted for it.

Then he picked up the Senate Journal, which he had quietly sent for while Senator Colquitt was speaking, and, turning upon him, said, "Whether my vote was right or wrong, it was just as Senator Colquitt's had been on the same resolution. He was in the State Senate at the same session, the same resolution was voted on, and Mr. Colquitt voted in the Senate as I did in the House, and thus it appears in the Journal."

At this point, the tables being so suddenly and completely turned, the whole Whig side, so depressed before, burst forth into uproarious applause. This was redoubled when a friend of Mr. Stephens reapplied the remark of the senator, and shouted—

“Judge, your hands itch to let him go now, don’t they?”

The result of the speech was the triumphant election of the entire Whig ticket in the county a few weeks afterward, by the largest majority given for any party there in many years. No one in that section doubted Mr. Stephens’ powers after that. He met Judge Colquitt repeatedly on the stump in after years, but nothing ever occurred on these occasions to mar the friendship between them. In all passages at arms with him Mr. Stephens proved a Roland for an Oliver. Judge Colquitt is said to have remarked after their last discussion, which took place in Forsyth, Monroe county, in 1848, “No man ever can make any thing out of Stephens on the stump.”

But we return to our narrative. The result of that Congressional election was Mr. Stephens’ triumphant return by over three thousand majority.

On the day after his arrival in Washington City, after his election to Congress, he was taken ill again, and came near dying. It was several weeks before he was able to leave his room. It was during that attack that he, for the first time, was put upon the use of *nitric acid* as an *hepatic*.

On his entrance in Congress, his right to a seat was questioned, and became a matter of contest, from the following state of facts: A preceding Congress had passed a law providing that elections to Congress, in all the States, should be by Districts, and not by General Ticket, as some of the States had always elected them. Four States, Georgia included, had failed to comply with the provisions of the act. Georgia soon did so, but not until after the election we have spoken of. The question was, whether delegates of States so elected, should be admitted as members.

The committee on elections reported in favor of their admission to seats, and submitted a resolution declaring the act providing for the Districting of the States to be unconstitutional and void.

Mr. Stephens, in his speech, held the act to be constitutional.

This, to some, presented strange inconsistencies. What he said on the subject, and on his own position in relation to that question, will be seen from the speech then delivered, which was his first in Congress, and which will be found in full in this collection.

We cannot resist the temptation to insert in this place, two extracts from its last pages, which are valuable as a clear and concise definition of the relative powers of the States and the United States Government, and presenting a vivid picture of the dangers of party power, and the necessity of all the checks and balances by which human wisdom restrains human passion.

* * * * *

“The majority of the Committee of Elections, in their report, which is now under consideration, affirm that the ‘second section of the act of apportionment is an attempt, by the introduction of a *new principle*, to subvert the *entire system* of legislation adopted by the several States of the Union, and to compel them to conform to certain rules established by Congress for their government.’

“Sir, I cannot agree with the committee in opinion that such was either the object of the act in question, or can, in any way be its consequence. If so, I should be the last to advocate the measure. I consider myself as one of those who hold the doctrine that the permanency of our institutions can only be preserved by confining the action of the State and Federal governments each to its own proper sphere; and that, while there should be no encroachment upon the rights of the States by this Government, there should also, on their part, be no disobedience or failure to perform their duties according to the terms of the constitutional compact.”

* * * * *

“Sir, it is the most equal system. It is the most republican. It gives every section of the State a representative. It gives the minority in the State a voice in the National Councils. It increases the responsibility of the representative to his constituents, and better enables the constituents, from personal acquaint-

ance and intercourse, to judge correctly of the man to whom they confide the important trust of legislating for them. But I cannot enumerate the advantages of this system at this time; I will barely, however, add that, if from no other consideration, I should be in favor of it from its conservative tendency. Under its operation, parties in the different States are more nearly balanced against themselves, and their violence is more nearly neutralized by its counteraction. This tends very much to check that high degree of excitement, which otherwise would prevail on many questions, and might be most deleterious in its consequences. To be useful and salutary, laws must have some continuance and stability. But if the opposite principle should prevail, or, if even the four larger States in the Union should adopt the general-ticket mode of election, who is so careless an observer of men and things as not to see the consequences that would result?

“The representatives from each of these States, instead of being divided as they now are, so as almost to balance each other in party strength, would most probably all be on the same side of the question; and might, perhaps, be elected by only a few hundred majority in their respective States; and to the next Congress another delegation, equal in number and equally divided on the other political side, might be returned by about as large a majority the other way. The effect would be an entire change of measures; for the past admonishes, and the present speaks in language not to be misunderstood, that party rules every thing.

“Amongst the dangers to which our system of government is exposed, I consider as not the least, the effects upon the public interests of the country of those fearful shocks produced by the sudden change of such large party majorities upon this floor. The human system, in its soundest health and fullest vigor and strength, cannot long sustain its healthful action against quick transitions from the extremes of temperature. The most deeply laid and substantially built of human edifices cannot stand amidst the oscillations of an unsteady earth; nor can the government of a free people, the noblest of all human structures, remain firm, if its elements and foundation are sub-

ject to constant vibrations. Its basis is public opinion ; and the elements of the human mind are not unlike those of the atmosphere about us—which, however still, and calm, and quieted to-day, may be roused into the whirlwind to-morrow. And as the mild air we breathe, when put into commotion, assumes all the power and terrific force of the tornado, laying waste and in ruin every thing in its desolating sweep ; so with the passions, prejudices, and ambition of men, when excited and aroused into factious strife : without reason or argument to control their action, every thing relating to order, right, law, or constitution, is equally disregarded : and government itself cannot be saved from its ruthless destruction. Wise legislation should always guard against every thing tending to promote such excitements. It was in this view of this subject, and to guard, as far as possible, against the liability of such results, that the same wise statesman—the pure patriot, the sage of Montpelier—to whom I have before alluded, while the adoption of the Constitution was before the American people, urged upon them the necessity of establishing such checks and restraints in their government as would be a ‘defence for them against their own temporary errors and delusions’—assuring them that, if the people of Athens had possessed such provident safeguards for their protection, ‘they might have escaped the indelible reproach of decreeing to the same citizens the hemlock on one day and statues the next.’”

Some of Mr. Stephens’ political enemies afterward stated (for the purpose of doing him political injury) that Hon. John Quincy Adams, upon the conclusion of that speech, approached and tendered his congratulations. The statement was not true. The Massachusetts statesman did, however (contrary to his usual habit), listen with the most marked attention, and was reported to have spoken favorably of the effort.

In this connection, the following reference to, and evidence of, the kind feeling between Mr. Adams and Mr. Stephens may not be inappropriate :

Among other interesting mementos of Mr. Stephens’ long

political life, is a copy of the United States Album, arranged by J. Franklin Reigrt, of Pennsylvania. Besides its National and State emblems and illustrations, together with the engraved autographs of the John Tyler administration, Supreme Court, and Congress, it contains the written autographs of many of Mr. Stephens' friends.

Among them is a short poem, more remarkable from its distinguished author than its own excellence. The writing plain, but cramped, and part of the ink faded brown, while part remains black, as if written with two kinds. The darker parts probably mark a fresh dip into the inkstand.

The following is a copy of the production. Mr. Stephens has frequently been addressed in verse, generally when some lady admirer of a great speech thought prose too tame to express the feelings. Some of the best are lost; but we may copy one or two that yet linger between the pages of heavy books:

“TO ALEXANDER H. STEPHENS, ESQ., OF GEORGIA.

“Say, by what sympathetic charm,
What mystic magnet's secret sway
Drawn by some unresisted arm
We come from regions far away?

“From North and South, from East and West,
Here in the People's Hall we meet,
To execute their high behest
In council and communion sweet.

“We meet as strangers in this hall,
But when our task of duty's done,
We blend the common good of all
And melt the multitude in one.

“As strangers in this hall we met;
But now with one united heart,
Whate'er of life awaits us yet,
In cordial friendship let us part.

“JOHN QUINCY ADAMS,

“H. R. U. S., 14 June, 1844.

of Quincy, Massachusetts.”

All this time, we have spoken of Mr. Stephens only as to his external life, "as others saw him," and not of that inner life which the angels of God recorded, nor of that benevolent life in which mortals can most resemble the Man Immortal who "went about doing good," nor yet of his social life, which was building up for him friends, faster than his finished periods and brilliant eloquence did admirers, and creating a love for the man, that will outlast the fame of the statesman, even as the rewards of God outlive the applause of multitudes. He never was ambitious, and probably the old Sunday-school opinion that "Aleck was a good boy," was worth all the homage and flattery with which the world bespatters its favorites. He likes the one and permits the other, prizing most

"That heartfelt joy,
Which nothing earthly gives, or can destroy."

He has many souvenirs of friendship, that are evidence of how others than ourselves appreciate his moral and social worth; but after all, there is no process by which we can photograph the soul; and if, when this imperfect sketch is finished, the noblest feelings and emotions of the man remain unmentioned, it is because such things belong not to human records but are locked up in the memory of God. Therefore we continue as we began.

III.

POSITION IN RELATION TO POLITICAL PARTIES.

ALWAYS STATES-RIGHTS—NEVER PARTIZAN—AGAINST THE POLICY OF THE MEXICAN WAR, AND THE ACQUISITION OF TERRITORY BY CONQUEST—A CONSTITUTIONAL UNION MAN THROUGHOUT.

ALEXANDER H. STEPHENS was brought up in the school of State rights. The State organization in which he entered public life, was formed on the 13th day of November, 1833. With that party, and with the men who constituted that organization, he cast his first vote for Joel Crawford for Governor of the State, in 1833. In 1836 he voted for Hugh L. White for President, and was in favor of the State standing by the nomination of Governor Troup for President in 1840, and supporting him for that office, although there was no hope of his election. When, however, the party resolved to vote for Harrison, he, as a choice between the two candidates then presented, neither of whom was entirely acceptable, resolved to vote for General Harrison. In like manner he voted for Henry Clay in 1844, and gave him a zealous support against Mr. Polk, notwithstanding the opposition of Mr. Clay to the annexation of Texas, which measure Mr. Stephens favored. No direct question of State Rights was involved in this election.

Mr. Stephens had long been in favor of the annexation or the acquisition of Texas, or rather the incorporation of that republic or State into our Union, and had advocated a resolution to that effect in the State legislature as early as 1838 or 1839. He opposed the John Tyler treaty of 1844, but advocated the measure proposed by Milton Brown, of Tennessee,

which was ultimately adopted, and by which Texas came in as a State. That plan of Milton Brown was drawn up and presented by him only after repeated consultations with Mr. Stephens, who materially aided (as he states in the speech of July 2, 1859) in the formation of the plan, as in its passage. We give in full, in this volume, Mr. Stephens' speech on the annexation of Texas, delivered January 25th, 1845; and the following is the explanatory note, and copy of those famed resolutions, which accompanied and were printed with that speech.

“For the information of those of my constituents who have not seen a history of the proceeding when the vote came to be taken, it may not be improper to state that several of the propositions alluded to in the foregoing speech were offered in the Committee of the Whole, and were each successively rejected; and against each of them I voted in their order. At length, Mr. Milton Brown, a Whig member from the State of Tennessee, presented his plan, to which reference is also made in the speech; and for this myself and seven other Southern Whigs voted, and it was carried in the committee by a vote of 109 to 99, and was finally passed in the House by a vote of 120 to 98. Had myself and the other seven Whigs referred to, voted differently upon this plan in the committee, it would likewise have been rejected by a vote of 107 to 101, and no plan would have been agreed upon. It was not until the party so largely in the majority found that they could do nothing with their favorite schemes, that they consented, or rather were reluctantly forced, to take the Whig measure or none. That measure embraced the terms upon which the Southern Whigs had put the question, from the beginning. It provides for the admission of Texas as a State, without the assumption of her debt, and with a settlement of the slave question. A copy of the resolutions of Mr. Brown are appended.

“ALEX. H. STEPHENS.

“WASHINGTON, D. C., 11th of February, 1845.”

Resolutions offered by Mr. BROWN, of Tennessee, as adopted by the House:

Resolved by the Senate and House of Representatives in Congress assembled, That Congress doth consent that the territory properly included within, and rightfully belonging to, the Republic of Texas, may be erected into a new State, to be called the State of Texas, with a republican form of government, to be adopted by the people of said Republic, by deputies in convention assembled, with the consent of the existing Government, in order that the same may be admitted as one of the States of this Union.

SECTION 2. *And be it further resolved,* That the foregoing consent of Congress is given upon the following conditions, and with the following guarantees, to wit :

1. Said State to be formed, subject to the adjustment by this Government of all questions of boundary that may arise with other Governments ; and the Constitution thereof, with the proper evidence of its adoption by the people of said Republic of Texas, shall be transmitted to the President of the United States, to be laid before Congress for its final action, on or before the first day of January, one thousand eight hundred and forty-six.

2. Said State, when admitted into the Union, after ceding to the United States all public edifices, fortifications, barracks, ports and harbors, navy and navy yards, docks, magazines, arms, armaments, and all other property and means pertaining to the public defence belonging to said Republic of Texas, shall retain all the public funds, debts, taxes, and dues of every kind which may belong to, or be due and owing, said Republic ; and shall also retain all the vacant and unappropriated lands lying within its limits, to be applied to the payment of the debts and liabilities of said Republic of Texas ; and the residue of said lands, after discharging said debts and liabilities, to be disposed of as said State may direct ; but in no event are said debts and liabilities to become a charge upon the Government of the United States.

3. New States of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hereafter, by the consent of a State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution. And such

States as may be formed out of that portion of said territory lying south of thirty-six degrees thirty minutes north latitude, commonly known as the Missouri compromise line, shall be admitted into the Union with or without slavery, as the people of each State asking admission may desire. And in such State or States as shall be formed out of said territory, north of said Missouri compromise line, slavery or involuntary servitude (except for crime) shall be prohibited."

This was the occasion of his first split with the Whig organization as it was then constituted in the United States. How far his general views coincided from the beginning with those of that party, may be gathered from the Minority Report of the Committee on the State of the Republic, introduced in the Georgia Senate in 1842, which we have before referred to, and which is given in full in the latter part of the book.

The Mexican war was, in his opinion, brought about designedly, unwisely, and unconstitutionally by President Polk. As the celebrated resolutions on that war, introduced by Mr. Stephens, in the House, Friday, January 22d, 1847, are brief and indicative of his views on the objects of the war, we give them, as found in the *Congressional Globe* of the 29th Congress, Second Session.

"THE WAR."

"Mr. STEPHENS asked the general consent of the House to offer a short preamble and resolutions, relating to a subject which, of all others, was now most absorbing of public interest. His object was not to ask the action of the House upon the subject to-day, or to debate the merits of the question, but barely to have the resolutions received and referred to the Committee of the Whole on the state of the Union, to be called up at some subsequent day.

The resolutions were read for information, and are as follows :

"Whereas, it is no less desirable that the interests and honor of our country should be cordially sustained and defended, so long as the present war with Mexico continues to exist, than that

the conflict should not be unnecessarily prolonged, but should be terminated as soon as an honorable peace can be obtained; and whereas it is believed that a diversity of opinion prevails to a considerable extent as to the ultimate aims and objects for which the war should be prosecuted, and it being proper that this matter should be settled by the clear expression of the legislative will, solemnly proclaimed to the world:

"Be it therefore Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the present war with Mexico 'is not waged with a view to conquest,' or the dismemberment of that republic by the acquisition of any portion of her territory.

"Be it further Resolved by the authority aforesaid, That it is the desire of the United States that hostilities should be terminated upon terms honorable to both parties; embracing a liberal settlement on our part of the questions growing out of the proper and rightful boundary of Texas, and a full recognition and proper provision on her part to be made for all the just claims of our citizens against that country; the whole to be adjusted by negotiation, to be instituted and effected according to the constitutional forms of each government respectively."

"Objection being made to the reception of the foregoing preamble and resolutions, the vote on the motion to suspend the rules was decided in the negative, as follows: yeas 76, nays 88.

He made many speeches on this subject, all of marked ability, some while it was pending, and some after its close. All of them, that are yet of general interest, are given in full in this collection. In his opinion, the most of our subsequent troubles are attributable to that most unfortunate war and its consequences.

In 1850, Mr. Stephens was opposed to the secession movement started at the South, because of the admission of California—which act he thought no just cause of complaint to the South. Nor did he think the southern people had legitimate cause to complain of the acts of Congress establishing

Territorial governments in Utah and New Mexico. By these acts, the South recovered the principle lost in the Missouri compromise of 1820, for by them there was no prohibition of slavery in any part of the public domain.

In the fall of 1850 he canvassed the State thoroughly, making speeches in every part of it, travelling in all not less than two thousand miles, and exerted himself as few men ever have done, in behalf of the Union under the Constitution. The excitement was very great. An election was to be held for Delegates to a State Convention, to consider of disunion, in consequence of those measures. In Green county (Georgia) he was interrupted by a violent *Fire-eater*, who exclaimed—"Give us the line of $36^{\circ} 30'$ or fight!" His reply was—"My friend, we have already secured the line of 49° , or twelve and a half degrees of latitude more than you ask, and without a fight; are you content, or do you want a fight any how?" That was the whole case in a nut-shell. The State went for the Union by an overwhelming majority.

Mr. Stephens was a member of the Convention, and on the Committee that drew up the celebrated "Georgia Platform," and one of the most prominent actors in both Committee and Convention. Hon. Charles J. Jenkins was chairman of the Committee and reported the resolutions. As these solemn resolves of Georgia, in that most important and perilous crisis of the Government, have often been referred to, we give them here in full, as embodying the Union sentiments of Mr. Stephens and the people of Georgia at that time.

"GEORGIA PLATFORM OF 1850."

"To the end that the position of this State may be clearly apprehended by her confederates of the South and of the North, and that she may be blameless of all future consequences—

"Be it resolved by the people of Georgia in Convention assembled, First. That we hold the American Union secondary in importance only to the rights and principles it was designed to perpetuate. That past associations, present fruition, and future

prospects, will bind us to it so long as it continues to be the safeguard of those rights and principles.

“Second. That if the thirteen original parties to the contract, bordering the Atlantic in a narrow belt, while their separate interests were in embryo, their peculiar tendencies scarcely developed, their revolutionary trials and triumphs still green in memory, found Union impossible without compromise, the thirty-one of this day may well yield somewhat in the conflict of opinion and policy, to preserve that Union which has extended the sway of republican government over a vast wilderness to another ocean, and proportionally advanced their civilization and national greatness.

“Third. That in this spirit the State of Georgia has maturely considered the action of Congress, embracing a series of measures for the admission of California into the Union, the organization of territorial governments for Utah and New Mexico, the establishment of a boundary between the latter and the State of Texas, the suppression of the slave-trade in the District of Columbia, and the extradition of fugitive slaves, and (connected with them) the rejection of propositions to exclude slavery from the Mexican territories, and to abolish it in the District of Columbia; and, whilst she does not wholly approve, will abide by it as a permanent adjustment of this sectional controversy.

“Fourth. That the State of Georgia, in the judgment of this Convention, will and ought to resist, even (as a last resort) to a disruption of every tie which binds her to the Union, any future act of Congress abolishing slavery in the District of Columbia, without the consent and petition of the slave-holders thereof, or any act abolishing slavery in places within the slave-holding States, purchased by the United States for the erection of forts, magazines, arsenals, dock-yards, navy-yards, and other like purposes; or in any act suppressing the slave-trade between slave-holding States; or in any refusal to admit as a State any territory applying, because of the existence of slavery therein; or in any act prohibiting the introduction of slaves into the territories of Utah and New Mexico; or in any act repealing or materi-

ally modifying the laws now in force for the recovery of fugitive slaves.

"*Fifth.* That it is the deliberate opinion of this convention that upon the faithful execution of the fugitive slave bill by the proper authorities depends the preservation of our much loved Union."

How far these resolutions may be considered as containing within themselves Disunion principles, in the opinion of some whose fidelity to the Union has never been questioned, we subjoin what Hon. Stephen A. Douglas said of them in his speech in Atlanta, Georgia, in 1860.

Mr. Douglas said :—

"I shall never forget the intense anxiety which filled my breast when the Georgia Convention met in December, 1850. It was no ordinary convention. It was no partisan meeting. It was not an assemblage of mere politicians to make equivocal platforms for the sake of party advantage. It was a convention of the sovereign people, elected by the people themselves, under the authority of a legislative enactment, to determine upon those principles which were essential to the preservation of the rights of equality of Georgia in the Union. I have not that platform before me, but I remember distinctly, that it consisted of five propositions, each one of which met my approval then, and receives my support now. ['Hurrah for Douglas,' and cheers.] That celebrated Georgia platform, according to my recollection, contained five articles. The first was, that the people of Georgia would never submit to the doctrine that there should be no more slave States admitted into this Union; the second was, that the people of Georgia should never submit to the Wilmot proviso in the territories; the third was, that the people of Georgia would never submit to the prohibition of the slave-trade between the States by Congress; the fourth was, that the people of Georgia would never submit to any legislation by Congress in the District of Columbia, which would impair the rights or the safety of the slave-holding States; and the fifth was, that the people of Georgia could never submit to the repeal, or to

any other legislative enactment, impairing the validity of the fugitive slave law. [Cheers.] Those five propositions contained all that the people of Georgia asked. Each of them was just and right in itself. I stand by each of them to-day. ['Good.'] I stood by them from the time I entered public life down to this hour. Why cannot the people of Georgia stand by their own platform? ['We will,' 'We intend to,' and applause.] According to my recollection, your whole people acquiesced in that platform. Union men and Fire-eaters, Whigs and Democrats, men of all shades of political opinion, you came up and gave in your adhesion to it as being all that you asked, and all that you would maintain.

"According to my recollection, Howell Cobb ran for Governor of Georgia in 1851 on that platform, and was elected by an overwhelming majority. ['That's so,' etc.] If there was a public man in Georgia, of any party, who was not pledged in faith and honor to that Georgia platform, I never heard of him. Why then can we not stand together upon these propositions?

"I am told that some of those opposed to me are in the habit of saying that I construe the Georgia platform differently from what they do. I never construed it at all. [Laughter.] It is so plain that it does not admit of any two constructions. It construes itself. But if there is any doubt, any possible ambiguity upon that point, I will take Georgia's own construction of it. [Applause.] The Georgia platform was predicated upon the principles incorporated in the compromise measures of 1850.

* * * * *

"Inasmuch, then, as I stand to-day upon the Georgia platform, affirming your own construction of your own platform, I want to know upon what ground it is that those gentlemen who stood pledged to stand by me, now consider that my position is only a short cut to abolitionism."

As Judge Douglas states, the Constitutional Union party was formed, of which Mr. Stephens was the main projector and originator. It was based upon the principles of these resolu-

tions and organized at Milledgeville before the adjournment of that Convention.

His object was to build up a party, not only in the State, but throughout the country, for the maintenance both of the Union and of the rights of the States. In his whole public course, as we have said, he was devoted to these two objects, believing that Constitutional liberty could be best secured by a due regard to both. "His devotion to the Union (in his own words) was not to the Union *per se*, nor his devotion to State Sovereignty, to State Sovereignty *per se*, but to Constitutional liberty, the legitimate offspring of these two ever united in holy wedlock."

It was by this party, so organized and constituted, that Mr. Cobb was elected Governor of the State of Georgia, in 1851, by an overwhelming majority.

Mr. Stephens' views on this Constitutional Union organization may be gathered from the letter written from Washington, D. C., February 7th, 1852, to Hon. David A. Reese.

The two old parties—Whig and Democrat—revived at Baltimore. Hon. Franklin Pierce, of New Hampshire, was nominated by the democrats, and Gen. Winfield Scott, the hero of Chippewa and Mexico, by the Whigs. Mr. Pierce endorsed the principles of the adjustment of 1850, but Gen. Scott declined to do so. Mr. Stephens supported Daniel Webster, of Massachusetts, as the embodiment of Constitutional Union principles. A card was published in Washington City, July 3d, 1852, signed by Alexander H. Stephens, of Georgia; Charles James Faulkner, of Virginia; W. Brooke, of Mississippi; Alex. White, of Alabama; James Abercrombie, of Alabama; Robert Toombs, of Georgia; James Johnson, of Georgia, and consented to by C. H. Williams and M. P. Gentry, of Tennessee, giving their reasons for not supporting General Scott. This paper, which produced great sensation at the time, was drawn up by Mr Stephens.

Mr. Webster left the world before the election. We do not speak of him as dead, for his last earthly words remain true—"I still live." Many persons in Georgia showed their respect for him by voting for him after he was dead—among whom were Toombs and Stephens. Franklin Pierce was elected; and if he had made his own principles the test of his party organization, his administration would have been more successful.

Mr. Millard Fillmore became President on the death of Taylor, as Andrew Johnson has by the death of Mr. Lincoln. If he, too, had made the compromise measures of 1850 the basis of his administration, he would probably have been elected in 1853, as the Constitutional Union candidate. Mr. Webster was on that line, but Mr. Fillmore could not be got up to it. He adhered to the old Whig organization, and was afraid of being Tylerized.

In like manner, President Pierce adhered to the old Democratic organization, and gave office to *softs* rather than *hards*, opposers rather than friends of the adjustment of 1850. He should have remembered the scriptural philosophy, "that new wine should not be put into old bottles, lest they burst."

In 1854 Mr. Stephens defended the principles of the Kansas-Nebraska Act, and did so on the ground that that act carried out the adjustment measures of 1850. Both parties, in the election of 1853, had endorsed those principles—the Whigs most emphatically—as a settlement, both in principle and substance, of the subjects embraced in them.

As a great deal has been written and said on this subject, it may not be improper to here reproduce what Mr. Douglas said of it in 1860:—

"In 1854 it became my duty, as chairman of the Committee on Territories in the Senate, to bring forward a bill to organize the Territories of Kansas and Nebraska. In offering that bill I deemed it my duty to conform precisely to the principles affirmed by the compromise measures of 1850, and indorsed by the two great National parties—Whig and Democratic—in their conventions in Baltimore in 1852."

For the same reasons Mr. Stephens gave this act his cordial support, and was the great co-laborer of Douglas in that contest. During the whole of Mr. Stephens' congressional career, his course was not at all partisan, in the usual sense of that term. A State Rights man, he supported Harrison in 1840. In 1844, he supported Mr. Clay. In 1845, he acted with the Democratic party on the admission of Texas as a State into the Union. In 1846 and 1847, he stood with Mr. Calhoun and the Whig party on the Mexican war. His resolutions on this subject in the house, in February, 1847, became the basis of the Whig organization throughout the country; and on the policy therein indicated, that party had a majority in the next House of Representatives; and on the same policy Gen. Taylor was elected President in 1848. Mr. Stephens gave his election a zealous support. In 1850, when Gen. Taylor's policy met his disapproval, he opposed it as decidedly as he had done that of Mr. Polk, and devoted all his energies to shaping and establishing the principles embodied in what is known as the adjustment measures of that year. In 1854, he exerted himself, in like manner, to maintain and carry out these same principles, as set forth and declared in the Kansas-Nebraska Act. Throughout his whole public course, bare party considerations have ever been held subordinate to his own convictions of right; and his associations, without regard to previous party alliances, have always been cordial with all those who concurred with him at the time in his views of the public interest. His refusal to support General Scott for President in 1852, was caused by the general's refusal to endorse the principles of the compromise measures of 1850, and not by any failure to appreciate his great public services. On the contrary, it was mainly through the instrumentality of Mr. Stephens that the chieftain, so recently dead, received the rank of Lieutenant-General.

In 1856, Mr. Buchanan was not by any means the man of his choice, but he voted for him. The quarrel of President

Buchanan with Judge Douglas, Mr. Stephens condemned, as not only very impolitic and unwise, but as very unjust. He saw, if Mr. Buchanan persisted in his course, that a disruption of the party at the Charleston Convention would be inevitable, and with it a national convulsion, almost as certain. Therefore he retired to private life. His own quaint illustration was—"When I see the engineer is reckless, and expect a smash-up ahead, I always get off at the first station."

One important element to be considered, in relation to Mr. Stephens' rapid rise in the estimation of the people, as both orator and statesman, is the fact that there were so many bright stars in the intellectual constellation of the Union before his arose. In the time of the administration of President Tyler, for instance (which was in power when he entered Congress in 1843), there were great names. In the House, were John Quincy Adams, Henry A. Wise, George C. Drumgole, Aaron V. Brown, R. C. Winthrop, Stephen A. Douglas, Howell Cobb, Thomas L. Clingman, Andrew Johnson, Garrett Davis, and their kindred great throughout the United States. Robert Toombs and Jefferson Davis came in soon after. In the Senate were Willie P. Mangum, Rufus Choate, Thomas H. Benton, James Buchanan, John Macpherson Berrien, George McDuffie, Richard H. Bayard, William C. Reves, John J. Crittenden, and their illustrious compeers.

John C. Calhoun was Secretary of State, and the head of a brilliant Cabinet. The two master spirits of the age—Daniel Webster and Henry Clay—were in the prime of life, and in only temporary retirement. Roger B. Taney, Joseph Story, Edward Everett, Lewis Cass, and Washington Irving, were in public life, some on the Supreme Bench, and some at foreign courts. "There were giants in that day," yet, among them, Alexander H. Stephens arose to greatness too.

IV.

REVIEW OF SPEECHES AND LETTERS.

SPEECH AGAINST ACQUISITION OF TERRITORY FROM MEXICO—
 AGAINST THE CLAYTON COMPROMISE—PERSONAL RENCOUNTER—
 PRESIDENTIAL CAMPAIGN OF 1848—THE COMPROMISE
 OF 1850—THE GEORGIA PLATFORM—KANSAS AND NEBRASKA
 BILL—TERRITORIAL POLICY IN REGARD TO AFRICAN SLAVERY
 —KNOW-NOTHINGISM—ADMISSION OF MINNESOTA AND
 OREGON.

WE will now briefly refer to some of the speeches upon which his fame partly rests. His first address was delivered on the 4th day of July, 1834, before his admission to the bar. It was made at Crawfordville, and is full of earnestness, power, and eloquence. The one on his right to a seat, February 9th, 1844, was his first in Congress. The speech on the "Tariff Bill," with many others, not now of general interest, are omitted from this collection.

The speech on the resolutions for the admission of Texas, we spoke of. In his able speech on the Mexican War, June 16th, 1846, occurs his well-remembered vindication, or rather eulogy, of Daniel Webster.

Its last words briefly convey his life-long creed upon the effects of war. Speaking of human advancement, he said: "This is not done by wars, whether foreign or domestic. Fields of blood and carnage may make men brave and heroic; but seldom tend to make nations either good, virtuous, or great."

In the House of Representatives, on the 12th of February, 1847, Mr. Stephens delivered one of the most impressive speeches of that period. The proposition before the House

was to appropriate three millions of dollars to enable the President to conclude a treaty with Mexico. Mr Stephens said :

“ Mr. CHAIRMAN—It is useless to attempt to disguise the fact, or to affect to be blind to the truth, that this country is now surrounded by difficulties of no ordinary magnitude, and fast approaching others, which threaten to be far greater and more perilous than any which have ever been encountered since the foundation of the government.

“ It is true, the declaration was made the other day, by a distinguished senator, in his place, that he saw no dangers about, he espied nothing in the prospect to cause alarm or apprehension, and that, in his opinion, ‘ the sentinel upon the watchtower might sing upon his post !’

“ Sir, whether this sentiment was expressed by authority, and is to be taken as the exponent of the feelings of those who are now wielding so recklessly the destinies of the nation, I know not ; but to me it seems somewhat kindred to, if not the legitimate offspring of, that spirit which prompted Nero to indulge in music and dancing when Rome was in flames.”

After denouncing the attempt of the Administration to prevent free speech upon its acts, he went on to speak of the unfair means used in the election of Mr. Polk :

“ But if, in the inscrutable ways of Providence, he, who has been thus fraudulently elevated to power, should be the ill-fated instrument of our chastisement, the punishment may be just, but he will take no honor in its execution. If the result of his mischievous counsels should, in any way, prove disastrous to our institutions—the stability, harmony, and permanency of the government—which there is now abundant cause seriously to apprehend, he will certainly have no place in the grateful remembrance of mankind. Fame he will have ; but it will be of the character of that which perpetuates the name of Erostratus. And the more deeply blackened than even his, as the stately structure of this government, the temple of our liberties, is grander and more majestic than the far-famed magnificence of the Epl esian dome.

“The crisis, sir, requires not only firmness of principle, but boldness of speech. As the immortal Tully said, in the days of Cataline, when Rome was threatened with the most imminent dangers, the time has come when the opinion of men should not be uttered by their voices only, but *‘inscriptum sit in fronte unius cujusque quid de respublica sentit’*—it should even be written upon the forehead of each one what he thinks of the republic—there should be no concealment. In what I have to say, therefore, I shall use that character of speech which I think befitting the time and occasion.”

He then discussed at length the policy of the war, asking,

* * * * *

“Whether a line of military posts should now be established and defended, until our enemy shall get in a humor to treat; or whether the most desolating invasion should be pushed forward, as one gentleman has argued—

‘Even until

The gates of mercy shall be all shut up,
And the fleshed soldier, rough, and hard of heart,
In liberty of bloody hand shall range,
With conscience wide as hell, mowing like grass,
Their fresh, fair virgins and blooming youth.’”

In the course of his argument, denouncing in strong terms all wars waged for conquest, he said:—

“But free institutions never did and never will enlarge the circuit of their extent by force of arms. The history of the world abounds with many melancholy examples in illustration of the truth of this position. No principle is more dangerous to us, than that of compelling other nations to adopt our form of government. It is not only wrong in itself, but it is contrary to the whole spirit and genius of the liberty we enjoy; and, if persisted in, must inevitably result in our downfall and ruin. No instance is to be found upon record of any republic having ever entered upon such a hazardous crusade which did not end in the subversion of its own liberties, and the ultimate enslavement of its own people. And before embarking upon so dangerous an enterprise,

I trust we shall have some security and guarantee that we shall at least escape the fate of those whose example we follow.

"Sir, I very much fear that the people of this country are not sufficiently awake and alive to the mischievous and ruinous schemes of those to whom they have for a time confided the management of public affairs. Mr. Madison long since uttered the prophetic warning, that *'if a free people be a wise people also, they will NEVER FORGET that the danger of surprise can never be so great as when the advocates of the prerogative of war can sheath it in a symbol of peace.'* And never in our history did the times so strongly require a practical consideration of this solemn admonition."

Then in tones as earnest as the throbbings of an angel's heart and solemn as the trump of final judgment, he went on to speak of the inevitable consequences of the war if waged for conquest, and to tell of the yet distant effects of causes then at work. Those prophetic utterances yet echo through the "corridors of time," more truthful than Sybyl caught from the steaming caves of Delphos; plainer than the murmurs from the sun-kissed lips of Memnon, and as seen in the light of the late semi-decade of blood, faithful as Isaiah to the inspirations of heaven. Speaking of the Wilmot proviso, and the resolutions of the legislatures of the States of New York, Pennsylvania, and Ohio, he said:—

"They show a fixed determination on the part of the North, which is now in a majority in this House, and ever will be hereafter, that, if territory is acquired, the institutions of the South shall be forever excluded from its limits; this is to be the condition attached to the bill upon your table! What is to be the result of this matter? Will the South submit to this restriction? Will the North ultimately yield? Or shall these two great sections of the Union be arrayed against each other? When the elements of discord are fully aroused, who shall direct the storm? Who does not know how this country was shaken to its very centre by the Missouri agitation?"

"Should another such a scene occur, who shall be mighty enough to prevent the most disastrous consequences? The master spirit of that day is no longer in your councils. Shall another equally great and patriotic ever be found? Let not gentlemen quiet their apprehensions by staving off this question. It has to be met, and better now than at a future day. It had better be decided now than after more blood and treasure has been spent in the pursuit of that which may ultimately be our ruin. Upon the subject of slavery, about which so much has been said in this debate, I shall say but little. I do not think it necessary to enter into a defence of the character of the people of my section of the Union, against the arguments of those who have been pleased to denounce that institution as wicked and sinful. It is sufficient for me and for them, that the morality of that institution stands upon a basis as firm as the Bible; and by that code of morals we are content to abide until a better be furnished. Until Christianity be overthrown, and some other system of ethics be substituted, the relation of master and slave can never be regarded as an offence against the Divine laws. The character of our people speaks for itself. And a more generous, more liberal, more charitable, more benevolent, more philanthropic, and a more magnanimous people, I venture to say, are not to be found in any part of this or any other country. As to their piety, it is true they have '*none to boast of.*' But they are free from that pharisaical sin of self-righteousness, which is so often displayed elsewhere, of forever thanking the Lord that they are not as other men are." * * * *

"But if bad counsels prevail—if all the solemn admonitions of the present and the past are disregarded—if the policy of the Administration is to be carried out—if Mexico, the "forbidden fruit," is to be seized at every hazard, I very much fear that those who control public affairs, in their eager pursuit after the unenviable distinction of despoiling a neighboring republic, will have the still less enviable glory of looking back upon the shattered and broken fragments of their own Confederacy. And instead of 'revelling in the halls of Montezuma,' or gloating over the ruins of the ancient cities of the Aztecs, they may be

compelled to turn and behold in their rear another and a wider prospect of desolation, carnage, and blood.

"Mr. Chairman, it was asked by him who spake as man never spake, '*What shall a man be profited, if he gain the whole world and lose his own soul?*' And may I not, with reverence, ask what we shall be profited as a nation, if we gain any part, or even the whole of Mexico, and lose the Union, the soul of our political existence? The Union is not only the life, but the soul of these States. It is this that gives them animation, vigor, power, prosperity, greatness, and renown; and from this alone spring our hopes of immortality as a common people."

The speech on the Land Bill, for the disposal of the public lands, is a very able one.

Also, his speech on the War and Taxation, in which he records his indignant protest against spending fifty or a hundred millions (the debt then being sixty millions, and a loan bill on the table for eighteen millions) to compel the Mexicans to take fifteen or twenty millions for New Mexico and California, on the score of public interest. His speech on the Clayton Compromise, was delivered on the Territorial Bill, August 7th, 1848.

/ In politics, Mr. Stephens has ever been decided, bold, and fearless. He never courted popular favor by first feeling the popular pulse, and then going with the current. He always thought for himself, and acted for himself, relying on the good sense of the people to sustain him. This was his course in his first canvass for the legislature; it was his course upon the annexation of Texas; it was his course on the know-nothing question; and this was his course, though at his peril in person and politics, upon the Clayton Compromise of 1848. His motion, in the *House*, to lay that motion on the table (which prevailed), and his speech on the subject, came near costing him his life.

He was sustained at the time by but seven men in Congress from the entire South. The bitterest denunciations were

hurled against him from the press and on the "*stump*." His moral courage was as undaunted as his physical was unyielding. He came home—went before the people—neither asking quarters nor giving them.

It was reported to him, that he had been proclaimed a traitor to the South, in a public speech made by one who had held high position in the State. In a personal interview with this person, he inquired whether the charge had been made as reported; and though the charge was denied, and the parties separated in a friendly manner at the time, yet the words used by Mr. Stephens on that occasion led to a subsequent demand upon him for a retraction. This was refused, and a rencounter ensued. Mr. Stephens was unarmed, while his assailant, who was more than twice his size and weight, was duly prepared for the rencounter which he sought. Upon the refusal to retract the words, an assault was made upon Mr. Stephens with open knife. This he for some time parried with an umbrella, receiving several wounds upon his arms and breast; but his assailant, rushing upon him with all his superior force and weight, threw him upon his back. One blow with the knife aimed at the heart, would have done its fatal work, but for the fortunate position of the blade of the knife. Another blow, on the other side, passing between two ribs, severed an intercostal artery. The strong man then, with his left hand on the forehead of his adversary, and the knife in his right hand, said, "Now — retract, or I will cut your — throat!" The reply was, "No, never! Cut!" As the knife came, Mr. Stephens caught it in his right hand, and with his left seized the right elbow of him who wielded it. In this way the struggle lasted until both parties were on their feet again, and others came to the rescue. The right hand, that seized the knife as it was aimed at the throat, was horribly mangled by the turning and twisting of the blade in efforts to get it out of the grip. The hemorrhage from the severed artery would have resulted in

speedy death, but for the fortunate presence of Dr. Hitchcock, of the United States Army, whose skill arrested it.

The scene occurred in the piazza of Thompson's Hotel, in Atlanta, Georgia, on the 4th of September, 1848. Mr. Stephens was laid up for several weeks with these wounds. The right hand was thought to be permanently disabled. The tendons of several fingers and the thumb were severed. He could not use the hand at all for about twelve months. In the meantime, he accustomed himself to write with his left. But, to the permanent injury of the right, his bad chirography is now partly owing.*

We have alluded to this affair now, only because it is an important fact in the life of him of whom we write, and with no view or wish to awaken any of the unpleasant reminiscences of the times when it occurred.

It is proper to add, that the gentleman who figured in the scene with Mr. Stephens had been previously on very friendly terms with him—and some years afterward they became friendly again. The ill blood of that day entirely subsided on both sides. That gentleman is now dead, and we say of him, as we doubt not Mr. Stephens would, "*De mortuis nil nisi bonum.*" He was a man of extraordinary talents and brilliant intellect. At the bar in Georgia, in companionship and social qualities he had few equals and no superiors. In dismissing the subject, let us only wish to his ashes and his memory—"*Requiescat in pace.*"

How Mr. Stephens resumed the labors of the canvass, will be

* Many amusing, and some provoking things have occurred from this terribly bad writing, in which Hon. Rufus Choate was his only rival, and of which we will give at least one *fac simile* of a late date. Printers often set up Tuesday for Thursday, and North for South, or friends fill appointments too soon or too late. He once ordered two "Dagon plows," an old kind bearing that name which he wished. He received *two dozen*, a full car load of another kind. Once, when the writer was with him on a visit, he ordered fifty pounds of rice, and received fifty pounds of ice.

seen from the following account of his appearance at a mass meeting of the supporters of General Taylor for the Presidency held in Atlanta, Georgia, ten days afterward.

This account is taken from the *Augusta (Georgia) Chronicle and Sentinel*, of 18th September, 1848:

“EIGHT TO TEN THOUSAND WHIGS IN COUNCIL.

“The Whigs’ Mass Meeting at Atlanta on the 14th inst., whether we regard it for its numbers, the intelligence and orderly character of those who compose it, or the ability, prudence, and discretion of the speakers, was one of the most interesting and enthusiastic political festivals that has occurred in Georgia for years.

“The friends of ‘Old Zack’ came up in crowds from almost every section of the State, with not a few from the adjacent States, evincing their devotion to the institutions of the country, and their desire to reclaim the administration of the government. Nor were the voters from the ‘gable end,’ that stronghold of democracy in Georgia, the Cherokee Circuit, less zealous than their brethren from the middle sections.”

* * * * *

Mr. Stephens being still unable to walk, some enthusiastic friends determined that he should, at least, be seen on the stand, and on this occasion, placed him in a carriage which they drew themselves, to avoid all accidents which might happen from the use of horses.

The account then goes on to speak of his appearance and reception in the procession:

* * * * *

“When his delicate and feeble form was seen borne along at the head of a column, the enthusiasm of the vast multitude knew no bounds, and the air was rent with such a loud and continuous shout for ‘Stephens!’ ‘Stephens!’ ‘Stephens!’ as Georgia Whigs only could give to their devoted representative. Such a reception was alike worthy of the man and those who gave it: it was touching, eloquent, sublime, and caused the manly tear to start in many an eye.”

* * * * *

After speaking of the organization of the meeting, and the speech of Judge Berrien, the writer proceeds as follows:

"When Judge Berrien resumed his seat, some one called for Stephens, and immediately, like electricity, his name seemed to thrill the immense mass from centre to circumference, and all crowded nearer and nearer to the stand, with a shout that would have made a Western audience stand mute in profound admiration. When his slender, emaciated form was seen slowly rising from his seat and to approach the front of the stand, what seemed the wildest enthusiasm before, became tame approbation. When the shout had died away, he announced, in a clear, shrill tone, which those only who have heard him can appreciate, that he arose not to make a speech (for he was not able), but simply to acknowledge the distinguished and cordial manner in which his presence had been greeted.

"He would, however, relate an anecdote. It was of the soldier—a man well advanced in life, one of the renowned Doniphan's regiment—who returned to New Orleans after an arduous service in Mexico, almost naked, and destitute of the means to supply his immediate wants, or to pay his passage back to his family and friends. In this forlorn and destitute condition, a generous citizen of New Orleans took him to his store, shielded his nakedness from the public gaze, and gave him the means of returning to his home. When the grateful soldier was about to take his leave, his benefactor asked if he could do any thing more for him. The soldier replied 'no,' and took leave. After going some distance, he suddenly stopped, hesitated, and turning round retraced his steps to the store. When he entered, he met the inquiring gaze of his benefactor, and observed, 'I told you there was nothing more that you could do for me. I forgot, there is one thing you can do.' 'What is that?' inquired the merchant, as he cordially grasped the hand of the war-worn veteran. 'You can vote for 'Old Zack'—all I ask of you is not to forget to vote for "Old Zack." And with a heart overflowing with gratitude, he grasped the hand of his benefactor, and bade him adieu.

"'Now,' said Mr. Stephens, 'all I have to say to you is, *'don't forget to vote for 'Old Zack.'*' He then resumed his seat amid

such a shout, as gave the highest assurance that the injunction would not be forgotten."

Nor did they forget it.

When at length able to get out, he canvassed not only his own district, but the entire State.

We need hardly add, that Mr. Stephens was again triumphantly elected, and that General Taylor carried the electoral vote of the State by a decided majority. At the time Mr. Stephens returned to Georgia, in August, few people questioned that General Cass would carry the State by at least ten thousand. Yet such was the result of the canvass, that General Taylor carried it by about two thousand majority.

The Hon. John J. Crittenden, congratulating Mr. Stephens, and referring to the report that had first gone out, of his being killed in the Atlanta rencounter, said this could not be true, or else the "Dead Douglas" had carried the field.

After the election of General Taylor, in the session of Congress ensuing, Mr. Stephens opposed the ratification of the treaty that had been made with Mexico, acquiring more territory, unless the slavery question springing from it should be first settled. His speech on this subject is one of the ablest he ever made. It is, however, not in this collection. Had his warning been heeded, the late troubles that have so afflicted this country might have been avoided. Because this question was not first settled, he voted against carrying the treaty into effect. In another speech, made August 9th, 1850, after the treaty was consummated, he appealed to the fairness of the North for a just division of the territory which had been acquired against his vote, in the language of Scripture, "Let there be no strife I pray thee, between me and thee, between thy herdmen and my herdmen, for we are brethren. Is not the whole land before thee? Separate thyself, I pray thee, from me. If thou wilt take the left hand, then I will go to the right: or if thou depart on the right hand, then I will go to the left." In it also was the solemn warning, that a long continued course of unpro-

voked aggression, would sooner or later leave to the people of the South no other alternative, than to acquiesce in the necessity of "holding you, as the rest of mankind, enemies in war—in peace, friends."

He consented to deliver an oration at the Maryland Institute, in that old Monumental City, Baltimore, at the commemoration of the birthday of Washington, February 22d, 1852. The Magyar Chief, Louis Kossuth, had then recently come to this country. Resolutions of welcome had been passed by Congress, and his progress from New York had been one continued ovation. Mr. Stephens took strong grounds against the mania, and thought the birthday anniversary of Washington the best time to recall to his forgetful countrymen the solemn warning of the *Pater Patria* against "entangling alliances" with foreign powers. He was the originator of the great Washington birthday celebration in the Capitol that year, and in regard to the invitation of Baltimore, he said, that day "Must not go a begging for an orator," and went.

On the 27th of April, 1852, he made his well known speech upon the "State of the Country, Homestead Bill, State of Parties, and the Presidency," in which he closed with the words of the Earl of Derby, "I elect on this issue to be tried by God and my country."

Mr. Stephens has probably made as many literary speeches as any one in Georgia, having always manifested great interest in education. They were generally extemporaneous (as the most of his efforts are), and of them only two were written, and only the one we next speak of was ever published.

Among all his speeches, perhaps that, which for profound yet practical philosophy, literary excellence, and pleasing arrangement, takes precedence, is the address before the literary societies of Emory College, Oxford, Georgia, July 21st, 1852.

He drew largely from human experience and historic mines to enforce his precepts to the young, and closed with the lesson

drawn from the incident in Bulwer's great play, where the page says, "If I fail——" and Richelieu stops the utterance with:

"*Fail!* FAIL!

In the lexicon of youth, which fate reserves
For a bright manhood, there is no such word
AS FAIL!"

In that speech (which was upon the elements of character essential to success) he seems to have embodied and presented the practical principles that have governed his whole life. As such, we commend it to special attention and study.

The other was on the delivery of prize medals to the successful declaimers of the Sophmore class of the State University, in 1859. Let not our readers be deceived by the conversational and common-place opening of it to slight the classical beauty that it teems with before the close. It will be found in the collection as the "Athens Literary Speech."

The earnest and impressive speech in defence of Mr. Corwin, and the Galphin Claim, was delivered in the *House*, January 13th, 1853. It effectually hushed the cry of "Galphinism," as it was called ever afterward.

On the 17th day of February, 1854, Mr. Stephens delivered one of his most effective speeches on the exciting subject of Kansas and Nebraska. It was in this speech that he reviewed the compromise measures of 1850, and showed that they were correctly carried out in that famed act. The impression produced by this speech may be gathered from the remarks of a correspondent, who did not agree with him in politics, published in the *Pennsylvanian* at that time. After an illustration of the adage that appearances are often deceptive, the writer proceeds to speak of Mr. Stephens thus:

"And yet this ungainly-looking individual—with head and face constructed contrary to the rules of physiognomy and phrenology—is considered by many the ablest member of the House, and of a House, too, that can boast some of the best minds of the country.

Mr. Stephens is slightly above the medium height, and *painfully* thin in appearance. His head is small and flat; his forehead low, and partially covered with straight, dark, lustre-lacking hair; and his cheeks thin, wrinkled, and of parchment texture. His walk, his features, his figure, bespeak great physical emaciation. You look in vain for some outward manifestation of that towering, commanding intellect which has held the congregated talent of the whole country spell-bound for hours. It is not in the eye, for it is dull and heavy. It is not in the face, for it is meaningless. It is not in the voice, for it is shrill and sharp; but still you feel convinced that the feeble, tottering being before you is all brain—brain in the head, brain in the arms, brain in the legs, brain in the body—that the whole man is charged and surcharged with electricity of intellect—that a touch would bring forth the divine spark!"

In regard to Mr. Stephens' personal appearance at this time, it may be proper to add, that he was just from a bed of severe illness. He was not able to walk to the Capitol. The day before was the first time he had been out for more than two months. He was just recovering from another abscess of the liver, which had terminated like the first one. This attack came on in the fall of 1853. He had also been confined to his room nearly the whole summer of 1853, in consequence of injuries received from a railroad accident. A train of cars, on which he was travelling, was thrown from the track near Macon, Georgia, on the 9th of June of this year. His right shoulder was injured, right collar-bone broken, left elbow crushed, and a severe gash received upon the head, causing, from its effects, serious apprehension for some hours that his skull was fractured.*

* The following is only one of the many expressions of sympathy that he received, while suffering from this accident:

BOSTON, June 17, 1853.

"MY DEAR SIR:—

"I have been much concerned to see by the papers that you have suffered severe injury by a railroad accident. Newspapers so often ex-

While again upon the subject of Mr. Stephens' health, we may here properly add that, in 1851, he suffered from another severe and protracted attack, similar, in some respects, to the one of 1837, leaving him in a state of equal prostration. He was laid up nearly all the summer, and when convalescent, he was again carried about his room, and the house, and into the yard and garden, as a child, by his favorite colored servant, who was then, as now, generally known as Harry Stephens. His weight then was but eighty pounds. Since the last abscess of the liver his general health has been better than ever since 1836. The "dyspeptic horrors" and severe "headaches," with their attendant afflictions, left him with that attack, it is hoped, never to return. Other maladies, however, succeeded; and of these *Nephritic Calculus* is perhaps the worst. From this he suffers occasionally most excruciatingly. Upon the whole, however, as to general health and physical strength, he is as well off now, in the summer of 1866, as he ever was in his life.*

To return to our subject-matter—the speeches—the statistical one in reply to Mr. Cambell ("GEORGIA AND OHIO AGAIN") is one of the ablest and most interesting in this volume. It was made under the following circumstances:—On the 14th day of December, 1854, Mr. Mace, of Indiana, made a speech, in which he gave notice of his intention to introduce a bill to repeal the Kansas-Nebraska act, and to prohibit slavery forever from these territories. In this speech Mr. Mace had spoken

aggerate, that I cannot but hope it is not so bad as represented. If not too much trouble, pray let me have a line from yourself, containing authentic information.

"With much regard, faithfully yours,

EDWARD EVERETT.

"HON. A. H. STEPHENS."

* At one time this year, he weighed one hundred and one-half pounds. He is five feet ten inches high, and did not get his full growth until he was twenty-seven years old. He grew two inches after he was admitted to the bar, which was when he was twenty-two years and five months old. He cut his last tooth in his twenty-seventh year.

of slavery as injurious to the industry and the development of the physical resources of a country. Mr. Stephens made impromptu one of his happiest, off-hand replies. The whole of the speech is in this volume, but the concluding part was in these words, as reported next morning in the *Globe*.

“A few facts in reference to physical development. I had occasion, some time since, for another purpose than the present, to look a little into the statistics of Georgia, compared with those of other States. I selected the State of Ohio, because it was one of the most prosperous of the North—often styled, and, perhaps, justly too, the Giant of the West. According to the census returns in 1850, Ohio had of improved lands 9,851,493 acres. Georgia had only 6,378,479 acres. The cash value of the Georgia land, so improved and under culture, was \$95,753,445; while the cash value of the Ohio lands was returned at \$358,758,603. Ohio had nearly one third more land in a state of improvement than Georgia had, and returned at more than three times the cash value of the Georgia lands. The whole population of Ohio was 1,908,480; the whole population of Georgia, white and black, was 905,999. The population of Ohio, therefore, was more than double that of Georgia. Here we see her free labor more than double in number, working one third more land, worth by valuation, more than three times that of Georgia. From these elements it might not be surprising to see her agricultural products greatly exceeding those of Georgia, without resorting to the ‘curse of slavery’ to account for it. But how stand the facts? Ohio produced the following articles:

Wheat.....	14,487,351	bushels	at 80 cents	....	\$11,589,880
Buckwheat.....	638,060	“	40 “	....	255,224
Indian corn.....	59,078,695	“	30 “	....	17,723,608
Rye.....	425,918	“	50 “	....	212,959
Barley.....	354,358	“	50 “	....	177,179
Oats.....	13,472,742	“	25 “	....	3,368,182
Peas and beans.....	60,168	“	\$1 00	....	60,168
Irish potatoes.....	5,057,769	“	40 cents	....	2,023,107
Sweet potatoes.....	187,991	“	50 “	....	93,995
Tobacco.....	10,454,449	pounds	7 “	....	731,811

Cloverseed.....	103,197 bushels	\$4 00	....	412,748
Flax.....	446,932 pounds	10 cents	....	44,693
Flaxseed.....	188,880 bushels	75 "	....	141,660
Maple sugar.....	4,588,209 pounds	6 "	....	275,292
Molasses.....	197,308 gallons	35 "	....	69,057
Wine.....	48,207 "	\$1 00	....	48,207
Garden products, returned in money value		....	....	214,004
Orchard " " " "		....	....	695,921
Aggregate				\$38,137,695

"This list includes nearly every agricultural product of the earth in that State except hay, which is omitted, because in Georgia there is no return for fodder, which, in that State, answers the same purpose of hay in Ohio as food for stock. The quantity of each product produced is given from the census tables. The values run out are such as are believed to be the usual average values of each article in that State, except the products of gardens and orchards, which are taken from the tables—no other values are put upon the products in the tables. The estimate above stated is believed to be a fair one. Now let us take up the returns for Georgia, and place upon them a like estimated average value. Here we have:

Wheat.....	1,088,534 bushels	at \$1 00	....	\$1,088,534
Indian corn.....	30,080,099 "	50	....	15,040,049
Cotton—bales.....	499,091 400 lbs.	8	....	15,970,912
Rice.....	38,950,691 pounds	4	....	1,558,027
Peas and beans.....	1,142,011 bushels	\$1 00	....	1,142,011
Sweet potatoes.....	6,986,528 "	25	....	1,746,607
Irish potatoes.....	227,378 "	50	....	113,689
Oats.....	3,820,044 "	37½	....	1,432,516
Cane sugar.....	1,642 hhds., 1000 lbs.,	6	....	98,520
Molasses.....	216,150 gallons	25	....	54,037
Orchard, products of				92,766
Garden, products of				76,500
Aggregate				\$38,414,168

"An amount so far from falling under that of Ohio, as might have been expected, actually exceeds it above a quarter of a million, without extending the Georgia list to rye, barley, tobacco,

and other articles which are produced in that State. Away, then, with this prating cry about slavery's paralyzing the energy of a people, and opposing the development of the resources of a country.

"If I were to take the statistics of any other State, and go through them in the same way, I have no reason to doubt that an equally favorable result to Georgia would follow. I took the State of Ohio, not as any disparagement to her, but to show that even in the South, where they say the soil is sterile, and the population inert, and cursed with slavery, as it is said to be, Georgia, with one half of the population, and only two thirds of the value of land, exceeds in agricultural products, by one quarter of a million of dollars, the great Giant of the West.

"Now, then, if the people of Kansas, the people of Nebraska, or the people of any other portion of our territory, going from old Massachusetts, going from New York, or from Indiana, or from the South, learning and consulting wisdom from the past, and profiting by experience from all parts of the Union, should think it practically best for the happiness of themselves and for their posterity in the far distant future, to adopt the social institutions of Georgia in preference to those of Indiana, if they prefer the institutions of the South to those of the North, I say they should not be deprived of their right to do it, and the gentleman from Indiana, and those who act with him, should not set themselves up as judges and 'masters' to control the matter."

[Here the hammer fell.]

To this speech of Mr. Stephens, Hon. Lewis D. Campbell of Ohio replied briefly on the same day. His speech, however, was not published until sometime after. When published it was greatly elaborated with voluminous statistical tables gotten up in the meantime to controvert the positions of Mr. Stephens.

The great rejoinder, entitled "Georgia and Ohio again," in reply to Mr. Campbell's speech and his tables, was delivered in the House, on the 15th of January, 1855. It is one of the ablest statistical papers ever prepared, and one that cost Mr. Stephens much labor.

The impression made upon the public by the new facts and startling conclusions of this speech, may be estimated by its effect upon Mr. John C. Rives, who, at that time, had the control of the *Congressional Globe*. Mr. Rives, in pursuance of his habit of close personal attention to his business, looked over the speech as it came from the hands of the reporters, and the accompanying statistical tables which Mr. Stephens had furnished to be inserted in the right place. He was immediately struck with what seemed to him the impossibility of the correctness of the tables. Knowing Mr. Stephens' usual accuracy in all matters of fact, and being also his personal friend, and feeling solicitous that his well-earned reputation in this particular should not be put to the blush, he sent for Mr. Stephens and stated to him his doubts as to the possibility of the facts, and suggested the propriety of withholding the publication of the tables, supposing, as he said, that they had been carelessly prepared by some other person, and had not undergone his own close examination. When Mr. Stephens informed him that they were his own work, and that he was prepared to maintain their entire accuracy, Mr. Rives, with a mixture of mirth and friendly anxiety, gave him to understand that he had really thought the tables had been prepared by somebody who didn't know what he was about ; but since they were Mr. Stephens' own work, he could see them go to the public with his misgivings diminished but not removed. The tables, and the novel conclusions deduced from them, appeared in the next morning's *Globe* ; and their accuracy has never yet been successfully assailed.

The subjoined engraving of Mr. Stephens in this sketch, is from the Imperial Photograph by Brady, which adorns the mantel-piece of Mr. Stephens' private room, and was intended to represent him as he stood, during the delivery of that masterly speech. It is given in full in this volume.

The following sketch of his appearance and power at that period is from the Washington correspondent of the *Frederick Citizen*.

“WASHINGTON, *February 28, 1855.*

“Near the bar of the House, to the right of the main aisle, facing the speaker, sits a man whose singular appearance always arrests the attention of the stranger. You should note him well, for he is one of the marked characters of the House.”

* * * * *

“It is Alexander H. Stephens, of Georgia. And do you call that curious-looking creature one of the marked characters of the House? say you. Yes, every word of it. True, there is no mark of extraordinary intellectuality in his countenance; but draw him out in debate, do any thing to set at work the powerful intellectual battery within, and that poor, sickly, emaciated frame, which looks as if it must sink under the slightest physical exertion, at once grows instinct with a galvanic vitality which quickens every nerve with the energy of a new life, imparts to every feature a high, intellectual expression, makes the languid eyes glow like living coals, and diffuses a glow of reviving animation over the pallid countenance.

“A new spirit seems to be awakened within him which transforms the whole man into a new creature in appearance. You cease to be annoyed by that voice which pierces the ear with its shrill and discordant tones, and the awkward gestures seem awkward no longer, for they are evidently prompted by nature. No wonder that nature has slighted the outward man, since she has lavished her rarest gifts upon the inward with unsparing profusion. The intellectual power of the man seems so to transfigure the outward appearance, so to transfer its quickening and transforming spirit into the physical nature, that the emaciated figure before you looks as much like intellect incarnate, as can well be imagined. [He hurries through the exordium, announces the subject, lays down his propositions, and advances at once to the argument, which he follows out with logical exactness, weaving into the thread of it such facts as are proper for illustration, and drawing out conclusions which the most subtle ingenuity cannot avert. Now he advances to the arguments of the other side, dissects them with admirable delicacy, exposes a fallacy here and



Alexander H. Stephens

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a misstatement of facts there; here a *non sequiter*, and there a *petitio principii*; now some insidious reflection upon the South touches his sensitive feelings on that subject, and forth there issues a flame of withering invective, which, made doubly hot by his envenomed sarcasm, scathes its victim as with the blasting touch of the lightning; now he is all on fire with interest in his subject, and seems to catch the inspiration of eloquence, as, with more than mortal power, he summons forth the feelings of the audience, and sways them in alternate emotions of anger, indignation, pity, love, and all the passions of the human breast.]

“A death-like silence reigns over the vast Hall, broken only by the reverberating tones of the speaker’s voice. Senators have deserted the other wing of the Capitol, and, side by side with members, are sitting as under a spell which they cannot break; Mr. Speaker has thrown down his hammer, which generally knows no rest, and has forgotten to keep an eye upon the clock, that the member on the floor may not break through the ‘hour rule’; pages have almost lost their power of perpetual motion, and are now subdued into a stillness like unto death; reporters look like the ‘mediums’ with the spell upon them, inditing revelations from the spirit world; while from the overhanging galleries, graced with a brilliant array of beauty and fashion, a thousand eyes are riveted on the speaker as on a ‘charmer,’ with an air of bewildered amazement, nor dare they turn to each other for a moment, for an interchange of those sympathetic glances, which bring so much relief to the human heart when swayed by such emotions.”

When, in 1855, the mystic *Sam*—the *know-nothing* giant—was striding on to power, the North seemed bowing before his chariot-wheels; but in Virginia and Georgia, Henry A. Wise and Alexander H. Stephens stood up in the breach and said, “Thus far shalt thou come, and no farther.” The first mighty blow upon the helmet of the giant was the letter of Mr. Stephens, to his friend, Judge Thomas W. Thomas, May 9th, 1855. It is one of the best efforts of Mr. Stephens, and given in full in

this book. We will not mar the "feast of reason" by sampling this dish. Being abandoned by many old friends, the Georgian entered the lists almost alone. He announced his own candidacy from the City Hall, in Augusta, and by an appeal to his unassailable record, at the outset defied personal attack, and startled and alarmed the opposition. His plan was not to defend himself, but to assail the opposition.

Before giving an extract from that opening speech, it may be as well to state as follows: He had been continuously a member of Congress from 1843 until the close of Congress in the spring of 1855; sometimes with party nominations, and sometimes with the common consent of all parties, without any regular nomination. Opposition to him was deemed almost useless, and when made, it was generally with a view to preserving the party organization of a minority. In this instance, of his own accord, he became a candidate by his own announcement. We give it in his own words, as follows:

FELLOW-CITIZENS:—Two years ago, or a little less, I appeared before you in the same place where I now stand. I had been put in nomination for Congress informally, by a portion of the people in this, as well as in several other counties of the district. In responding to that call, on that occasion, I stated, as many of you doubtless recollect, that I had no pledge to give, except that if I should be returned, it would be my utmost endeavor so to discharge my duties as your representative, that no man in the district, or in the State, whether whig or democrat, should, upon the expiration of my term of office, have just reason or cause to say, that his rights, interest, or honor, or the rights, interest, or honor of Georgia, had suffered detriment at my hands. With this pledge I was elected. The term of office to which I was so chosen expired the 4th of March last. My acts, as your representative, are known to all of you. They have been subjected to the most rigid scrutiny. And before proceeding further with what I have to say this night, I wish to ask if there is a man in this very large assembly [called

together without distinction of party] who feels that the pledge then given has not been redeemed? Is there a whig here, or a democrat, or a 'know-nothing,' or an 'anti-know-nothing'—a Protestant or a Catholic—a native or a naturalized citizen—who will say that he feels that his rights, interests, or honor, or the rights, interests, or honor of the district or State, so far as they were committed to me, have sustained injury in my hands? If so, let him speak. Let him name in what I came short of duty, or what single act I did, of which he has cause to complain. I pause for a reply. No one answers. Then may I not be bold enough to presume that my public conduct during the official term which is now terminated, meets the approbation of all?"

Later in his speech, he thus spoke of proscription for FOREIGN BIRTH, or CATHOLIC FAITH :

"Members of the Order may deny it, and say, as some do, that they 'are pledged for religious freedom to every church, be it Catholic or Protestant.' But every one of them knows, and whether they deny it or not, there is a secret monitor within that tells them they have pledged themselves never to vote for any Roman Catholic to any office of profit or trust. They have thus pledged themselves to set up a religious test in qualifications for office, against the express words of the Constitution of the United States. The words of the constitution are :

"'But no religious *test* shall ever be required, as a qualification to any office or public trust under the United States.'

"The words of Scripture are :

"'And the Lord commanded the man, saying, of every tree of the garden thou mayest freely eat, but of the tree of the knowledge of good and evil thou shalt not eat of it, for in the day thou eatest thereof thou shalt surely die.'

"So of all the reasons you may have or objections or disqualifications you may make, in the selection of men to office or places of public trust under the United States, you may make any other *test* but this *religious test*—the *test* of '*good and evil*' in the conscience of men—that you cannot make under the constitution; that *test* our great lawgivers, with Washington, the

Father of his country at their head, said 'shall not be required.' This is the *forbidden fruit*. Of it thou shalt not eat and live.

* * * * *

"It proposes to put a large class of as true native-born citizens as any in the United States, under the *ban of civil proscription*. And whenever any government denies to any class of its citizens any equal participation in the privileges, immunities, and honors enjoyed by all others, it parts with all just claims to their allegiance. Allegiance is due only so long as protection is extended; and protection necessarily implies an equality of right to stand or fall, according to merit, amongst all the members of society or the citizens of the commonwealth. When native Catholics, therefore, or any other class of citizens, be they Methodist, or Baptist, or Presbyterians, are *practically* denied the equality of right in the administration of their government, they will naturally become its enemies; and they ought to. The result, sooner or later, will be strife, civil discord, and civil war. Men so situated, sooner or later will fight. The best of our Protestant friends, under like circumstances, would fight, too. For the best of men, after all, have enough of the old leaven of human nature left about them to fight when they feel aggrieved, outraged, and trampled upon; and, strange to say, when men get to fighting about religion, they fight harder, and longer, and more exterminatingly, than upon any other subject. The history of the world teaches this. Many of the bloody wars that rest as a blot and stain upon Christendom, attest it. The tendency of this movement, therefore, so far as this branch of it is concerned, is to civil war—just as inevitably as a collision of two engines meeting on your railroad track, unless checked in their progress, tends to their destruction. It is the first movement of the kind since the formation of our government. Already we see the spirit abroad which is to enkindle the fires and set the faggots ablazing. Not by the Catholics, they are comparatively few and weak. Their only safety is in the shield of the constitutional guarantee. Minorities seldom assail majorities; and persecutions always begin with the larger numbers against the smaller. But this spirit is evinced by one of the numerous *replies* to my letter. It says:

'We call upon the children of the Puritans of the North, and the Huguenots of the South—by the remembrance of the fires of Smithfield, and the bloody St. Bartholomew—to lay down for once all sectional difficulties,' etc., and to join in this great American movement of proscribing Catholics. What is this but the tocsin of intestine strife? Why call up the remembrance of the fires of Smithfield, but to whet the Protestant appetite for vengeance? Why stir up the quiet ashes of bloody St. Bartholomew, but for the hope, perhaps, of finding therein a slumbering spark from which new fires may be started? Why exhume the atrocities, cruelties, and barbarities of ages gone by, from the repose in which they have been buried for hundreds of years, unless it be to reproduce the seeds and spread amongst us the same moral infection and loathsome contagion? just as it is said the *plague* is sometimes occasioned in London, by disentombing and exposing to the atmosphere the latent *virus* of the fell disease still lingering in the dusty bones of those who died of it centuries ago?"

During the same canvass he was complimented by a public dinner at Appling, Columbia county, Georgia, on the 11th of July, 1855. Also one in Sparta, Georgia, and made speeches in both places.

From the time of the announcement of his candidacy, until the election, the contest was the most bitter and fierce that had ever been in the district. The odds seemed greatly against him at the beginning. He spoke in every county in the district. In some, three or four times at different places. The three speeches we have spoken of were the only ones reported in full for the press, and they only imperfectly.

He was triumphantly returned to Congress. He began with a majority of about three thousand against him, and the vote recorded about three thousand in his favor.

His influence in Congress lost nothing by the fiery ordeal he had passed at home.

The famed debate with Zollicoffer, the eloquent Tennessean, on the power of Congress to establish or prohibit

slavery in the Territories, took place in the House, January 17th, 1856.

June 28th, 1856, he spoke on the Topeka Constitution and admission of Kansas under it. His opponents have often attempted to confuse him by interruptions, but invariably get worsted in the attempt. The following, from that speech, will illustrate his readiness in debate.

Speaking of the restriction of 1820, he said :—

“ Here is also Mr. Madison’s emphatic opinion against the same measure. I cannot take up my time in reading it. I state the fact, and challenge contradiction. Jefferson was against the restriction of 1820. Madison was against it, and Jackson was against it. No man can deny these facts. It was reluctantly accepted by the South, however, as an alternative, and only as an alternative, for the sake of peace and harmony. And who are those now who call it a sacred compact? Those very men, the gentleman and his party, who denounced every man from the North as ‘*a dough-face*,’ who from 1846 to 1850 was in favor of abiding by it for the sake of union and harmony. Not a man can be named from the North who was willing to abide by that line of division during the period I have stated, who was not denounced by the gentleman and his party as ‘*a dough-face*.’ Who now are the ‘*dough-faces*?’ And if the gentleman wishes to know what tree brought forth that bitter fruit of which he spoke the other day, I will tell him. It was not the Kansas tree, but that old political upas planted by Rufus King in 1820. It grew up; it flourished, and it sent its poisonous exhalations throughout this country till it came well nigh extinguishing the life of the Republic in 1850.

“ MR. CAMPBELL. That tree was planted when—[Cries of ‘Order!’ ‘Order!’]—when slavery was first brought to the shores of America. [Cries of ‘Order!’ ‘Order!’]

“ MR. STEPHENS. Well, then, Mr. Speaker, it is much older than the Kansas bill. It was planted before the government was formed. The constitution itself was grafted upon its stock. The condition or slavery of the African race, as it exists amongst us,

is a 'fixed fact' in the constitution. From this a tree has indeed sprung—bearing, however, no troubles or bitter fruits. It is the tree of national liberty, which, by the culture of statesmen and patriots, has grown up and flourished, and is now sending its branches far and wide, laden with no fruit but national happiness, prosperity, glory, and renown.

"MR. CAMPBELL. Will the gentleman from Georgia read the preamble to the constitution?"

"MR. STEPHENS. Yes; and I believe I can repeat it to him. It is 'in order to form a more perfect union, establish justice, insure domestic tranquillity.'

"MR. CAMPBELL. 'And secure the blessings of liberty to ourselves and our posterity.'

"MR. STEPHENS. Yes, sir, to themselves and *their* posterity—not to the negroes and Africans—and what sort of liberty? Constitutional liberty; that liberty which recognized the inferior condition of the African race amongst them; the liberty which all the States enjoyed at that time, save one (for all were then slave-holding except Massachusetts). That is the sort of liberty. None of your Socialism liberty. None of your Fourierism liberty. Constitutional liberty—'law and order'—abiding liberty. That is the liberty which they meant to perpetuate."

On the "Kansas Election," and her "Contested Election," he spoke, February 19th, 1856, and March 11th, 1856; the Topeka speech, was June 28th of the same year.

On July 31st, 1856, he spoke at length on the Reeder *vs.* Whitfield case. The celebrated speech on the presidential election of 1856, the compromise of 1850, and the Kansas Act of 1854, was delivered in the House, January 6th, 1857. The following is a sketch of his appearance and influence on that occasion, from the correspondence of the *Charleston (South Carolina) Courier*, entitled, Life in Washington:

"WASHINGTON, January 7, 1857.

"It had been rumored throughout the city—told in the drawing-rooms of the hotels, in the private parlors, and in the public

saloons—that ‘Stephens, of Georgia,’ was to speak on Tuesday of the present week, on the all-absorbing topic of slavery. At an early hour the galleries were filled to overflowing with the families of our distinguished statesmen, members of the foreign legations, dashing belles, with a sprinkling here and there of our best residents.

“As we passed through the lobbies we were struck with the deep and reverential quiet that pervaded the House. Where was the power that subdued the stormy confusion of this (always) riotous assembly? That vast crowd of listening faces were turned toward a shrunken and attenuated figure, the shoulders contracted and drawn in, the face dead and of the color of ashes. There was something grand in the mere spectacle of his shadowy figure, binding up the very breath of the House in a hush so silent that the unsheathing of a stiletto might have been heard amid its stillness.

“When we entered, the speaker was pouring out a continuous, unintermitted volume of thought and language to prove the sovereignty of the people in the territories.* He went on and on, with unwearied rapidity, arguing, defining, illustrating, repeating intricate facts, laying down subtle distinctions, prostrating an objection here, seizing upon a fallacy there; then retracing his steps, and re-stating in some original point of view his general propositions; then flying off again to the outskirts of the question, and dealing his desultory blows with merciless reiteration wherever an inch of ground remained to be cleared; and during the whole of this, though his face exhibited signs of great exhaustion, the god-like mind within did not flag for a single instant, nor even pause for a topic, an idea, or an expression. This velocity of creation, arrangement, and delivery astonished us; and what added to our wonder, was, that it appeared to be achieved without an effort. Mass after mass of argument was thrown off in phraseology vigorous and appropriate, while the speaker seemed the mere organ of some hidden power that saved

* The argument of Mr. Stephens, as will be seen in the speech, was in illustration of his views as to where ultimate sovereignty rests under our institutions.—*Ed.*

him the cost of laborious exertion, apparently anxious to impress upon others his own reliance upon the force of what seemed to come unsought.

“He had little variety of gesture, and what he used seemed perfectly unstudied. He was evidently so thoroughly absorbed in his subject as to be quite unconscious that he had hands and arms to manage. As he proceeded, he occasionally raised one hand, and then suddenly struck it down with extraordinary force. The strength of the action atoned for its inelegance. This very disdain for the externals of oratory had something imposing in it; one was made to feel that he was in the presence of a powerful mind that looked to itself alone, and one surrendered oneself more completely to its guidance from the conviction that no hackneyed artifice was employed to allure our confidence.

“Before concluding, his whole manner changed. His tones grew solemn in their deep, sonorous swell, as he reviewed his political life. He spoke of the measures he had aided to pass—of his part in the compromise of 1850. Then, in a strain of matchless eloquence, he proclaimed his fidelity to the union of these States.

“He soared above the commonplaces of public speaking; he rose above the mere politician, and declared his faithfulness to the principles on which our *Union* is framed; his faithfulness to the laws on which it proceeds and operates; his faithfulness to the institutions which distribute the validity, while they secure the *unity* of the whole.

“As he proceeded, his unearthly face seemed to brighten into fuller and ghostlier meaning; his eye shone like a sunken pit of fire suddenly disclosed; his attenuated form seemed to dilate to his dilating soul; his voice seemed exalted to a trumpet tone; the word orator (like a transparent fluttering in the breeze) flamed around his every look, and gesture, and word, and movement. The Speaker's hammer descended in the midst of this impassioned burst, leaving an impression upon the tingling ears of his auditors which many will carry to their graves. This speech is considered a master-piece, pure, lofty, dignified, and impassioned,

leaving an impression on the public mind of the patriotic motives and lofty objects of the speaker.

“The marked disproportion between the *personnel* and the splendid intellect of Mr. Stephens is most striking. If Rembrandt were living in our times, he should paint the *physique* of this remarkable man. His unearthly face would afford an appropriate subject to the shadowy pencil of that great artist. There should be no gradual melting of colors into each other; there should be no nice variety of hue—no sky, no flowers, no drapery, no marble; but a shrunk and spectral figure should stand upon the canvas, with the greater proportions of his form in opacity and shadow, and with a strong line of light breaking through a monastic window upon a few locks scattered upon a small and irregularly-shaped head. The pallor of the grave should sit upon his face, the features of which, though destitute of all symmetry or proportion, yet derive from the mind within an expression of ghostly power.

M. J. W.”

In 1857, he wrote two very interesting letters to Professor Williams Rutherford, of the Georgia State University, giving facts and reminiscences connected with the origin and construction of the great State railroad, to which we have referred before. These letters, although private, we are permitted to publish for the first time, as they furnish a fair specimen of Mr. Stephen's epistolary style outside of political topics.

On Thursday, December 17th, 1857, he delivered an eloquent eulogy upon Hon. Andrew Pickens Butler, of South Carolina, on the occasion of the resolutions in the House and Senate on his death. It was extemporaneous, but considered a model of its kind. We give the remarks in full:

“MR. STEPHENS. I rise, sir, to second the motion for the adoption of those resolutions. But before the question is put, I wish to add a few words to what has been said by the gentleman from South Carolina, in honor of the memory of the distinguished senator whose death has been announced. Judge Butler was known to me personally. His immediate constituents and mine

are neighbors. Nothing but the broad and beautiful Savannah separates them. Identified in interests, identified in habits, in sentiments, and in feelings, their sympathies naturally commingle on a common loss and bereavement, and such this is considered.

“Judge Butler possessed, in an eminent degree, those qualities that not only secure the esteem and the admiration always due to genius, and learning, and talent of a high order, but those other qualities that win the love and the affection of all who come within their range. He was emphatically a man cast in an original mould, of most marked characteristics, physical as well as intellectual. As the honorable gentleman spoke of his silvery locks, and majestic form, and stately person, and Roman countenance. I could almost imagine him again standing in our midst. Those of us who knew that form, and knew that gallant bearing, with the sense of age and the fire of youth, can never forget him. He was mercurial in his temperament, more pointed in conversation, as well as in argument, than he was logical. But he was, nevertheless, firm and stable.

“In the social circle he shone to great advantage. Wit and humor, drawn from classical sources, were his delight. He was chaste in thought, and classical in expression. In the busy pursuits of life, the abstruse studies of the law, or the labors that devolved on him in public life, he did not forget the cultivation of letters. He scorned to wrangle, yet he had a zeal for truth. In manner he was easy and agreeable—in intercourse with mankind, warm-hearted, brave, chivalrous. None was more liberal; none more unoffending; none more generous, noble, or magnanimous.

“He was firm, though versatile. Decision was one of his marked characteristics. As a judge and as a legislator, he came up to the ideal of one of his favorite poets:

“*Justum et tenacem propositi virum
Non civium ardor prava jubentium
Non vultus instantis Tyranni
Mente quatit solida.*”

“Few men were more amiable and mild in disposition, none more resolute in purpose.

“Sir, eulogy is not my object; that may be left for his biographer or historian. He that was a few months ago with us, is gone. Those places that knew him so well, will know him no more. We, too, are passing away. How brief the time since the voices of Lowndes, of McDuffie, of Calhoun, and of Hamilton, were heard within these walls! The cold sod covers them to-day. The voice of Butler is silent in the grave with theirs. These were men that stirred, in their day, empires—a proud galaxy, of which the gallant Palmetto State, which they almost adored, may well be proud. As a mother, she may well boast of such jewels.

“But, the thought, how suggestive, when we see men of such character in their day and generation, passing away, receding from the existing generation—how suggestive the thought—the truth that—

“‘When fame’s loud trump hath blown its noblest blast,
Though loud the sound, the echo sleeps at last;
And glory, like the phoenix ’midst the fires,
Exhales her odors, blazes and expires.’

“What shadows we are, and what shadows we pursue! How transitory pleasures! How unsubstantial honors! The only hope to the wise and the good—the virtuous good—on this earth, with all their aspirations for honorable place—and such aspirations are to be great only so far as they are good—is the hope, the day-star of promise, that hereafter the dust of these bodies, like the ashes of that same fabled phoenix, is to be quickened into newness of life in a future existence, where to each shall be measured out according to the deeds done here in the body; where there shall be no more strife, no more pain, no more death, but never-ending immortality. I second the resolutions.”

While speaking of South Carolina, we will insert here an extract or two, from the *Congressional Globe*, of January 26th, 1853. It is of interest as an earnest and magnanimous vindication of that gallant little State, coming from one who had never received much sympathy from her in his political course.

“MR. STEPHENS. I am opposed to this amendment. I do not concur in the remarks made by the gentleman from North Caro-

lina [Mr. STANLY], or in the sentiments expressed in the amendment offered by him. Not at all, sir. I do not understand that General Jackson ever put down nullification in this country. When or where? That General Jackson, as President of the United States, and as a citizen, was against the doctrine of nullification, as taught in South Carolina, I concede. But did General Jackson ever put down that doctrine? Did he ever silence it? It is true, the principles of the proclamation were against that doctrine. I did not agree with General Jackson in the principles of that proclamation, though the gentleman from North Carolina might or may have done so. And so it may have been with a majority of the American people. But, sir, that proclamation did not put down nullification. If the gentleman from North Carolina will look to the history of this country, he will find that the spirit and principles of nullification were never abandoned or put down in South Carolina. She did not cease her preparations for resistance until this government abandoned the principles of that policy against which she was arrayed.

"Mr. STANLY. They were never abandoned, and never will be.

"Mr. STEPHENS. They were certainly abandoned by the compromise tariff bill, brought forward in the Senate for conciliation, and this the gentleman himself will hardly deny.

"Mr. STANLY. I deny it; it was denied at the time.

"Mr. STEPHENS. I am not going into a discussion of the extent of the abandonment, at this time and upon this subject. What I say is this:—The spirit of nullification, whether right or wrong, never yielded until there was a yielding on the part of this government. It is not my object now to say whether it was right or wrong. I was, however, no nullifier. I did not believe in the doctrine of nullification, as taught in South Carolina, any more than I did in the doctrines of the proclamation; but I say that the history of the country bears me out in this, that General Jackson did not put it down. I am opposed to this amendment."

Afterward some general debate occurred, and then again:

"Mr. STEPHENS. I wish to say only a few words in reply. The point at issue between the gentleman and myself was, whether

General Jackson put down nullification, and not whether he was a protective tariff man or not. He was a protective tariff man at that time and up to the day of his death, so far as I know. I grant that I did not say he was not, but I stated that General Jackson did not put down nullification. What I stated was, whether South Carolina was right or wrong, there was no giving way on her part until conciliation was proposed. This is history. That is the point.

“Mr. STANLY. The gentleman said that they gave way in yielding protection.

“Mr. STEPHENS. I say that they or this government gave way on that act against which South Carolina was contending. It was this government that first gave way and let go. I did not say that she entirely abandoned protection. You have not done it to this day; even a revenue tariff is protective as far as it goes. We have now a protective tariff upon most articles, of thirty per cent. I say to the friends of that kind of protective system which was established by the acts of 1828 and 1832, protection for protection sake, not looking to revenue as the object, did let go so far as to agree that one tenth of the duty above twenty per cent. on all articles should at stated periods be taken off, and that all above twenty per cent. should be taken off at the end of ten years. Twenty per cent. was considered the standard of a revenue tariff. I say that is letting go; and I say, as I repeated before, whether General Jackson was right or wrong in being a protective tariff man, or whether South Carolina was right or wrong in her views, I am not going to discuss here. It is not the proper place; but I mean to defend history. South Carolina, whether right or wrong, did maintain her attitude of resistance, and she stood up to it until the government here gave way, and until General Jackson's party here gave way. If there was any giving way, it was on the part of the Federal government. South Carolina, however I may have disagreed with her in her policy, never quailed to the proclamation. She did not quail, but there was a giving way here. When conciliation was offered to her upon terms that met the approval of her judgment, she yielded, and not before. She may have yielded some to patriotism, too. This

I believe she did. But the olive branch came from the Federal government. It was not General Jackson or his proclamation that put her down. That is the point I make."

January 13th, 1858, he spoke in the House, on the arrest of General Walker by Commodore Paulding. The speech was much praised ; it was on the Neutrality Laws.

He made the famed Lecompton Report, March 10th, 1858.

On the 11th of May, 1858, he endeared himself to the hearts of a worthy people, by his speech on Minnesota and alien suffrage.

The speech on the impeachment of Judge Watrous was delivered December 15th, 1858.

His last speech in Congress, was that on the admission of Oregon, February 12th, 1859. As an oration, it stands among the grandest specimens of American eloquence, and it is of interest beyond the splendor of its language or the beauty of its periods as embodying his theory of our system of republican government, in both State and territorial matters. We subjoin a passage, drawn from the vision of Ezekiel, that for effect upon his vast audience, and the deep emotion it excited, both on the floor and in the galleries, has seldom been equalled.

"Now, Mr. Speaker, on another and entirely different aspect of this question, I have something special to say to another side of the House—a distinct class in it. I mean the members coming from slaveholding States. There is evidently a feeling of opposition in that quarter to the admission of Oregon, from a reluctance and manifest indisposition to increase the number of what are called free States. This arises from the apprehension that, with the loss of the balance of power, the rights of our section upon constitutional questions will be less secure. This may be so. It does not, however, necessarily follow. But that balance is already gone—lost by causes beyond your or my control. There is no prospect of its ever being regained ; and, in taking that ground, you do but reverse the position of our sectional opponents on the other side of the House. I know it is the tendency of power to

encroach ; but let us look to the security which rests upon principle, rather than upon numbers. The citadel of our defence is principle sustained by reason, truth, honor, and justice. Let us, therefore, do justice, though the heavens fall.

“ Let us not do an indirect wrong, for fear that the recipient from our hands of what is properly due, will turn upon us and injure us. Statesmen in the line of duty should never consult their fears. Where duty leads, there we may never fear to tread. In the political world, great events and changes are rapidly crowding upon us. To these we should not be insensible. As wise men, we should not attempt to ignore them. We need not close our eyes; and suppose the sun will cease to shine because we see not the light. Let us rather, with eyes and minds wide awake, look around us and see where we are, whence we have come, and where we shall soon be, borne along by the rapid, swift, and irresistible car of time. This immense territory of the west has to be peopled. It is now peopling. New States are fast growing up; and others, not yet in embryo, will soon spring into existence. Progress and development mark every thing in nature—human societies, as well as every thing else. Nothing in the physical world is still; life and motion are in every thing; so in the mental, moral, and political. The earth is never still. The great central orb is ever moving. Progress is the universal law governing all things, animate as well as inanimate. Death itself is but the beginning of a new life in a new form. Our government and institutions are subject to this all-pervading power. The past wonderfully exemplifies its influence, and gives us some shadows of the future.

“ This is the sixteenth session that I have been here, and within that brief space of fifteen years, we have added six States to the Union—lacking but one of being more than half of the original thirteen. Upward of twelve hundred thousand square miles of territory—a much larger area than was possessed by the whole United States, at the time of the treaty of peace in 1783—have been added to our domain. At this time the area of our republic is greater than that of any five of the greatest powers in Europe all combined; greater than that of the Roman Empire in the

brightest days of her glory ; more extensive than were Alexander's dominions when he stood on the Indus, and wept that he had no more worlds to conquer. Such is our present position ; nor are we yet at the end of our acquisitions.

Our internal movements, within the same time, have not been less active in progress and development, than those external. A bare glance at these will suffice. Our tonnage, when I first came to Congress, was but a little over two millions ; now it is upward of five millions, more than double. Our exports of domestic manufactures were only eleven million dollars in round numbers ; now they are upward of thirty millions. Our exports of domestic produce, staples, etc., were then under one hundred million dollars ; now they are upward of three hundred millions ? The amount of coin in the United States, was at that time about one hundred millions ; now it exceeds three hundred millions. The cotton crop then was but fifty-four millions ; now it is upward of one hundred and sixty million dollars. We had then not more than five thousand miles of railroad in operation ; we have now not less than twenty-six thousand miles—more than enough to encircle the globe—and at a cost of more than one thousand million dollars. At that time Professor Morse was engaged in one of the rooms of this Capitol, in experimenting on his unperfected idea of an electric telegraph—and there was as much doubt about his success as there is at present about the Atlantic cable, but now there are more than thirty-five thousand miles in extent of these iron nerves sent forth in every direction through the land, connecting the most distant points, and uniting all together as if under the influence of a common living sensorium. This is but a glance at the surface ; to enter within and take the range of other matters—schools, colleges, the arts, and various mechanical and industrial pursuits, which add to the intelligence, wealth, and prosperity of a people, and mark their course in the history of nations, would require time ; but in all would be found alike astonishing results.

“ This progress, sir, is not to be arrested. It will go on. The end is not yet. There are persons now living, who will see over a hundred million human beings within the present boundaries of the United States, to say nothing of future extension, and perhaps

double the number of States we now have, should the Union last. For myself, I say to you, my southern colleagues on this floor, that I do not apprehend danger to our constitutional rights, from the bare fact of increasing the number of States with institutions dissimilar to ours. The whole governmental fabric of the United States is based and founded upon the idea of dissimilarity in the institutions of the respective members. Principles, not numbers, are our protection. When these fail, we have, like all other people, who, knowing their rights, dare maintain them, nothing to rely upon but the justice of our cause, our own right arms and stout hearts. With these feelings, and this basis of action, whenever any State comes and asks admission, as Oregon does, I am prepared to extend her the hand of welcome, without looking into her constitution, further than to see that it is republican in form, upon our well-known American models.

“When aggression comes, if come it ever shall, then the end draweth nigh. Then, if in my day, I shall be for resistance, open, bold, and defiant. I know of no allegiance superior to that due the hearthstones of the homestead. This I say to all. I lay no claim to any sentiment of nationality not founded upon the patriotism of a true heart, and I know of no such patriotism that does not centre at home. Like the enlarging circle upon the surface of smooth waters, however, this can and will, if unobstructed, extend to the utmost limits of a common country. Such is my nationality—such my sectionalism—such my patriotism. Our fathers of the South joined your fathers of the North in resistance to a common aggression from their fatherland; and if they were justified in rising to right a wrong inflicted by a parent country, how much more ought we, should the necessity ever come, to stand justified before an enlightened world, in righting a wrong from even those we call brothers. That necessity, I trust, will never come.

“What is to be our future, I do not know. I have no taste for indulging in speculations about it. I would not, if I could, raise the vail that wisely conceals it from us. ‘Sufficient unto the day is the evil thereof,’ is a good precept in every thing pertaining to human action. The evil I would not anticipate; I would rather

strive to prevent its coming; and one way, in my judgment, to prevent it, is, while here, in all things to do what is right and proper to be done under the constitution of the United States. Nothing more, and nothing less. Our safety, as well as the prosperity of all parts of the country, so long as this government lasts, lies mainly in a strict conformity to the laws of its existence. Growth is one of these. The admission of new States is one of the objects expressly provided for. How are they to come in? With just such constitutions as the people in each may please to make for themselves, so it is republican in form. This is the ground the South has ever stood upon. Let us not abandon it now. It is founded upon a principle planted in the compact of Union itself, and more essential to us than all others besides. That is, the equality of the States, and the reserved rights of the people of the respective States.

“By our system, each State, however great the number, has the absolute right to regulate all her internal affairs as she pleases, subject only to her obligations under the constitution of the United States. With this limitation, the people of Massachusetts have the perfect right to do as they please upon all matters relating to their internal policy. The people of Ohio have the right to do the same; the people of Georgia the same; of California the same; and so with all the rest.

“Such is the machinery of our theory of self-government by the people. This is the great novelty of our peculiar system, involving a principle unknown to the ancients, an idea never dreamed of by Aristotle or Plato. The union of several distinct, independent communities upon this basis, is a new principle in human governments. It is now a problem in experiment for the people of the nineteenth century upon this continent to solve. As I behold its workings in the past and at the present, while I am not sanguine, yet I am hopeful of its successful solution. The most joyous feeling of my heart is the earnest hope that it will, for the future, move on as peacefully, prosperously, and brilliantly, as it has in the past. If so, then we shall exhibit a moral and political spectacle to the world something like the prophetic vision of Ezekiel, when he saw a number of distinct beings or

living creatures, each with a separate and distinct organism, having the functions of life within itself, all of one external likeness, and all, at the same time, mysteriously connected with one common animating spirit pervading the whole—so that when the common spirit moved, they all moved; their appearance and their work being, as it were, a wheel in the middle of a wheel. And whithersoever the common spirit went, thither the others went, all going together; and when they went, he heard the noise of their motion, like the noise of great waters, as the voice of the Almighty.

“Should our experiment succeed, such will be our exhibition. A machinery of government so intricate, so complicated, with so many separate and distinct parts, so many independent States, each perfect in the attributes and functions of sovereignty, within its own jurisdiction—all, nevertheless, united under the control of a common directing power for external objects and purposes—may, naturally enough, seem novel, strange, and inexplicable to the philosophers and crowned heads of the world.”

“It is for us, and those who shall come after us, to determine whether this grand experimental problem shall be worked out; not by quarrelling amongst ourselves; not by doing injustice to any; not by keeping out any particular class of States; but by each State remaining a separate and distinct political organism within itself—all bound together for general objects, under a common Federal head; as it were, a wheel within a wheel. Then the number may be multiplied without limit; and then, indeed, may the nations of the earth look on in wonder at our career; and when they hear the noise of the wheels of our progress in achievement, in development, in expansion, in glory, and renown, it may well appear to them not unlike the noise of great waters; the very voice of the Almighty—‘*Vox populi! Vox Dei!*’ ‘The voice of the people is the voice of God.’ [Great applause in the galleries and on the floor.]

“The SPEAKER. If the applause in the galleries is repeated, the Chair will order the galleries to be cleared.

“Many MEMBERS. It was upon the floor.”

From all the compliments, in prose and verse, that rained in

upon the orator, we make a brief extract of only one. It is from the Washington (D. C.) *Star*:

"HON. ALEXANDER H. STEPHENS.

"By Mrs. M. S. Whitaker."

"As warring winds in frozen realms contend,
And o'er the deep their dreary murmurs send,
So contest rose, and faction ruled the crowd
With empty words and declamation loud.

"Oh! who shall breast the storm, who guide the helm,
While raging waters threaten to o'erwhelm?
Gray hairs are there, the wrinkled front of age,
The fresher manhood and the ripper sage.

"Behold! *one* cometh, Oregon for thee,
Whose very coming bringeth victory;
Whose words will add a star to those we boast,
And fix our flag on the Pacific coast.

"As great in action as in council wise,
See her intrepid, conquering champion rise;
The South his birth-place, honored by his name;
The admiring world his theatre of fame.

"Pale is his cheek, but silver-toned his voice,
While at its sound the tuneful *Nine* rejoice.
All soul! all fire! a revelation given,
As though some spirit spoke to earth from heaven.

* * * * *

"And shall we miss thee and thy councils now?
Like Cincinnatus, wouldst thou seek the plow?
Rome needs thy wisdom, modest tho' thou art,
And Freedom keeps thee ever near her heart.

"Thy private goodness, registered above,
Wins for the noble man as noble love;
Beneficent patriot, wear thy laurel leaves
'Till reaped by angel hands shall be thy sheaves.

"WASHINGTON CITY, *February 12, 1859.*"

V.

RETIREMENT FROM CONGRESS.

SPEECH AT AUGUSTA (GEORGIA), 2D OF JULY, 1859—VIEWS ON THE PROPER RELATION BETWEEN THE WHITE AND BLACK RACES AT THE SOUTH—PRESIDENTIAL CANVASS OF 1860.

IN March, 1859, at the close of that Congress, he voluntarily retired to private life.

As evidence of the estimation in which he was held by the public men with whom he had been associated at Washington, we state that on the occasion of his retirement, a public dinner was tendered to him by senators and members of the House without distinction of party, headed by the President of the Senate and Speaker of the House. The compliment of such a manifestation of regard is, we believe, without a precedent.*

* The following is the original draft of his reply, which we find among some old papers :

“WASHINGTON, D. C., 2d March, 1859.

“HON. JOHN C. BRECKINRIDGE, JAMES L. ORR, G. E. PUGH, and others :

“GENTLEMEN :—Your kind note tendering me the compliment of a dinner, on the occasion of my retiring from Congress, has just been handed to me. For this very distinguished and entirely unexpected mark of your personal friendship, without reference to the terms in which you have been pleased to speak of my public service, I return you my unfeigned thanks. I appreciate this testimonial of esteem on the part of so many senators and members in no ordinary degree—the more so from the fact, that it comes not alone from those with whom I am associated politically. It will ever be cherished in that retirement to which you allude, as one of the most pleasant reminiscences of my life. If circumstances permitted, I need not assure you, it would afford me great pleasure to comply with your request, and around the social board to take that long and last farewell which so soon awaits us.

On Mr. Stephens' return to Georgia, a dinner was given to him, at Augusta, by the people of his old district. This, too, was without distinction of party. His "farewell speech," as it is called, delivered on that occasion to a vast crowd of ladies and gentlemen in the City Hall Park of Augusta, July 2d, 1859, is one of the most interesting in this book. In it he not only reviews the whole course of his public life, but spoke also upon some of the gravest questions then before the people. All should read it.

In this speech he gives fully and clearly his views on the now broken relations between the white and the black races in the South. Slavery, as it existed in the Southern States, Mr. Stephens ever regarded as but the proper *status* in society of an inferior to a superior race. In the Texas speech, in 1845, he said :—

"I am no defender of slavery in the abstract—liberty always had charms for me, and I would prefer to see all the sons and daughters of Adam's family in the full enjoyment of all the rights set forth in the Declaration of American Independence, if a stern decree of the Almighty did not in some cases interfere and prevent."

This, in his judgment, was the case where the European and African races existed together in the proportion they did in the Southern States. He did not regard this "peculiar institution," as it was called in the South, as slavery in the proper acceptation of that term. It was but a proper and legal subordination of the inferior to the superior race. This subordination was the natural and normal condition of the black or African race toward the white. These views were fully given

"But business engagements previously made require my immediate departure for home at the close of our public duties; this, I trust, will be a sufficient excuse for my foregoing that pleasure.

"Please accept the assurance of my high regards, and in whatever fortunes betide us, my best wishes attend you and our common country.

"Yours, most sincerely, ALEXANDER H. STEPHENS."

in many speeches made by him during his whole public course. But in none, perhaps, more clearly and concisely than in this speech made upon retirement from Congress. We give them in full as therein expressed, that he may speak for himself and not we for him :

“African slavery with us rests upon principles that can never be successfully assailed by reason or argument. It has grown stronger by discussion, and will still grow stronger as discussion proceeds and as time rolls on. Thirty years ago, Virginia was on the verge of abolition. Now, no such sentiment is to be found there. Twenty years ago, Wilberforce’s theory was carried out by emancipation in the British West Indies. That experiment has most signally failed ; that error in policy is now attempted to be remedied by Coolies, instead of Africans, under the title of apprentices, instead of slaves. This is but verifying the proverb, that ‘one false step leads to another.’ Carlyle, the greatest thinker of England, has repudiated the folly of abolitionism ; and the London *Times* followed not far behind him. The world is growing wiser, and upon no subject more rapidly than that of the proper status of the negro. In my judgment, there are more thinking men at the North now who look upon our system of slavery as right—socially, morally, and politically—than there were even at the South thirty years ago. The leading public men of the South, in our early history, were almost all against it. Jefferson was against it ; Madison was against it ; nearly all of them were against it. This I freely admit, when the authority of their names is cited. It was a question which they did not, and perhaps could not, thoroughly understand at that time. It was then a new question in the construction of constitutional government. It is still a problem in process of solution. They met the paramount questions of their day as statesmen ; so should the men of this day meet those before them. New truths are always slow in development. This is the case in all the physical sciences. It was so with the Copernican system in astronomy ; so with the application of steam in mechanics ; so with the knowledge of the laws of electricity, and the means of controlling it for great uses and purposes ; this is

also the case with new truths in governments, and even more so; for legislators and rulers are not generally the thinkers of any country. Hence, important facts within their appropriate sphere often lie much longer unobserved, without the legitimate inductions and conclusions to be drawn from them. The world had moved on for centuries; States, Kingdoms, and Empires had risen, fallen, and passed away before legislators were even conscious of the great facts and truths brought to light by Adam Smith, touching the laws of trade and the real source of the wealth of nations. Even when first announced, they were slow in impressing the minds of those who controlled the action of governments. Now they are recognized and adopted as maxims by the wise and intelligent in all civilized countries. So it has been, and is, with the great fact that in the framework of human society the materials for its structure should be selected and arranged in the order of nature. Pythagoras, Plato, and Aristotle, the greatest philosophers of antiquity, directed their minds to the systems of government, and the proper constitution of a State. The republican form was the ideal model of each. They all saw the necessity of some sort of gradation in the elements of its composition; but their systems failed, because they violated nature in making the subordinate class of the same race. Subordination is the normal condition of the negro. This great truth, that such was the normal condition of any race, was not recognized in their theories; and hence their machinery, in practice, could not work. In this connection, allow me to say, that I do not agree with some as to the manner of meeting our assailants on this subject. Many seem to be not only astonished, but offended, at the 'higher law' doctrine of the Senator from New York (Mr. Seward). I, too, believe in the 'higher law,' the law of the Creator, as manifested in his words and his revelations. Upon this our cause eminently rests. I claim nothing barely upon the ground that 'thus it is nominated in the bond.' I recognize to the fullest extent the doctrine that all human laws and constitutions must be founded upon the Divine law. And if there is any right secured, or any obligation imposed, in our constitution inconsistent with this law, underlying and overruling all others, such right and

such obligation must be yielded. I would not swear to support any constitution inconsistent with this 'higher law.'

"Let us not deceive ourselves; this question has to be grasped and comprehended in all its vast dimensions; on it we need not orators so much as thinkers, nor declaimers so much as reasoners. [We must stand on the 'higher law' as well as upon the constitution.] The latter must be subordinate to the former. But as I read the inscriptions upon the canvas of the universe about us, and around us, and over us, as well as the teachings of inspiration, [order is nature's first law;] with it, come gradation and subordination.] This principle extends from the Throne of the Creator to the utmost limits of his works. We see it in the heavens above, in the greater and lesser lights, in the stars that differ from each other in magnitude and lustre; we see it in the earth below, in the vegetable and animal kingdoms, ranging from stateliest trees of the forests to the rudest mosses and ferns; from the magnolia grandiflora gloriosa, the rose and the japonica, down to the most uncouth flower we tread under foot; from the hugest monster of life in the air, on the land, or in the ocean, to the smallest *animalcule* to be found in them all, we see similar distinctions and gradation in the races of men, from the highest to the lowest type. These are mysteries in creation which are not for us to explain. It is enough to know that they work out a grand harmony through the whole; and that in our system of government, which, in my judgment, is the best in the world, we do but conform to those immutable principles of nature. Who, then, is warring against the 'higher law;' we who conform to it, or those who are striving to reverse the decrees of the Almighty? In politics and morals, as in mechanics, it is impossible to war successfully against principle. The principle will ultimately prevail. [The wickedest of all follies, and the absurdest of all crusades, are those which attempt to make things equal which God, in his wisdom, has made unequal.] It is a struggle against a principle which can never succeed, where reason has sway, until 'the leopard can change his spots, and the Ethiopian his skin.' The world, by wise men, is to be taken as they find it; and it is the business of statesmen so to con-

struct the materials of society as best to promote the good of all. This can never be done by violating any principle of nature. If our system is not the best, or cannot be made the best for both races, it is wrong. I utterly repudiate the doctrine of the greatest good for the greatest number. One hundred men have no right to have happiness at the expense of ninety-nine, or a less number. If slavery, as it exists with us, is not the best for the African, constituted and made as he is; if it does not best promote his welfare and happiness, socially, morally, and politically, as well as that of his master, it ought to be abolished. But if it does this, then we stand upon a rock as firm and impregnable as truth."

This great truth, according to his convictions, upon which the institution rested was justified by him, in another speech, made some years afterward at Savannah, which has obtained much celebrity, and was then styled by him the "*Corner Stone*." That "corner stone" speech, it is proper to state, was extemporaneous. It was very imperfectly reported, and only purported to give the substance of what was said on the several points treated of in the address. In its statistical references were many errors, some of which we may not be able to perfectly correct at this time. But as that speech has been often referred to, as embodying some of his sentiments in regard to the colored race, and more than once attacked, we give it place in this collection. It may be found much easier to *object* to its views, than to *reply* to them.

We allude to these matters with no view to revive a discussion of these questions, but simply to present Mr. Stephens' views upon them as they were when the questions were open. However wrong or right, he may have been in them, no one can doubt his perfect sincerity and conscientiousness in entertaining them. In benevolence, and kindly feeling toward the human family—all classes and grades of society—Mr. Stephens is signally distinguished. He is, in truth and in deed, a philanthropist, in the broadest sense of that word, if one ever existed on this earth. The system of the subordination of the

black to the white race, as it existed, he did not think perfect. But he looked for improvement, and strove for improvements in it. He was opposed to that feature which denied education to the black race, as well as that which failed to recognize the marriage relation. These and other improvements of the system, he looked to. There was no time, however, during the war, that he would not have been willing to give up the institution for the acknowledgment of his cherished principle of separate State sovereignty. This he has often been heard to say; and how he now accepts this fundamental change in the social fabric of Southern society, will be seen in his speech on the 22d February, 1866, hereafter referred to. In this connection, we may be excused for quoting from it here, as follows. He says:

“But with this change comes a new order of things. One of the results of the war is a total change in our whole internal policy. Our former social fabric has been entirely subverted. Like those convulsions in nature which break up old incrustations, the war has wrought a new epoch in our political existence. Old things have passed away, and all things among us in this respect are new. The relation heretofore, under our old system, existing between the African and European races, no longer exists. Slavery, as it was called, or the *status* of the black race, their subordination to the white, upon which all our institutions rested, is abolished forever, not only in Georgia, but throughout the limits of the United States. This change should be received and accepted as an irrevocable fact. It is a bootless question now to discuss, whether the new system is better for both races than the old one was or not. That may be proper matter for the philosophic and philanthropic historian, at some future time, to inquire into, after the new system shall have been fully and fairly tried.

“All changes of systems or proposed reforms are but experiments and problems to be solved. Our system of self-government was an experiment at first. Perhaps as a problem it is not yet solved. Our present duty on this subject is not with the past

or the future. It is with the present. The wisest and the best often err in their judgment as to the probable workings of any new system. Let us, therefore, give this one a fair and just trial, without prejudice, and with that earnestness of purpose which always looks hopefully to success. It is an ethnological problem, on the solution of which depends, not only the best interests of both races, but it may be, the existence of one or the other, if not both.

"This duty of giving this new system a fair and just trial, will require of you, as legislators of the land, great changes in our former laws in regard to this large class of population. Wise and humane provisions should be made for them. It is not for me to go into detail. Suffice it to say on this occasion, that ample and full protection should be secured to them, so that they may stand equal before the law, in the possession and enjoyment of all rights of person, liberty, and property. Many considerations claim this at your hands. Among these may be stated their fidelity in times past. They cultivated your fields; ministered to your personal wants and comforts; nursed and reared your children; and even in the hour of danger and peril, they were, in the main, true to you and yours. To them we owe a debt of gratitude, as well as acts of kindness. This should also be done because they are poor, untutored, uninformed; many of them helpless, liable to be imposed upon, and need it. Legislation should ever look to the protection of the weak against the strong. Whatever may be said of the equality of races, or their natural capacity to become equal, no one can doubt that, at this time, this race among us is not equal to the Caucasian. This inequality does not lessen the moral obligations on the part of the superior to the inferior, it rather increases them. From him who has much, more is required than from him who has little. The present generation of them, it is true, is far above their savage progenitors, who were at first introduced into this country; in general intelligence, virtue, and moral culture. This shows capacity for improvement. But in all the higher characteristics of mental development, they are still very far below the European type. What further advancement they may make, or to what standard

they may attain, under a different system of laws every way suitable and wisely applicable to their changed condition, time alone can disclose. I speak of them as we now know them to be, having no longer the protection of a master, or legal guardian; they now need all the protection which the shield of the law can give.

“But above all, this protection should be secured because it is right and just that it should be, upon general principles. All governments in their organic structure, as well as in their administration, should have this leading object in view: the good of the governed. Protection and security to all under its jurisdiction, should be the chief end of every government. It is a melancholy truth that while this should be the chief end of all governments, most of them are used only as instruments of power, for the aggrandizement of the few, at the expense of, and by the oppression of, the many. Such are not our ideas of government, never have been, and never should be. Governments, according to our ideas, should look to the good of the whole, and not a part only. “The greatest good to the greatest number,” is a favorite dogma with some. Some so defended our old system. But you know this was never my doctrine. The greatest good to all, without detriment or injury to any, is the true rule. Those governments are only founded upon correct principles of reason and justice, which look to the greatest attainable advancement, improvement, and progress, physically, intellectually, and morally, of all classes and conditions within their rightful jurisdiction. If our old system was not the best, or could not have been made the best, for both races, in this respect and upon this basis, it ought to have been abolished. “This was my view of that system while it lasted, and I repeat it now that it is no more.” In legislation, therefore, under the new system, you should look to the best interest of all classes; their protection, security, advancement, and improvement, physically, intellectually, and morally. All obstacles, if there be any, should be removed, which can possibly hinder or retard the improvement of the blacks to the extent of their capacity. All proper aid should be given to their own efforts. Channels of education should be opened up to them.

Schools, and the usual means of moral and intellectual training, should be encouraged amongst them. This is the dictate, not only of what is right and proper, and just in itself, but it is also the promptings of the highest considerations of interest. It is difficult to conceive a greater evil or curse, that could befall our country, stricken and distressed as it now is, than for so large a portion of its population as this class will quite probably constitute amongst us hereafter, to be reared in ignorance, depravity, and vice. In view of such a state of things, well might the prudent, even now, look to its abandonment. Let us not, however, indulge in such thoughts of the future. Nor let us, without an effort, say the system can not be worked. Let us not, standing still, hesitatingly ask, 'Can there any good thing come out of Nazareth?' but let us rather say, as Gamaliel did, 'If this counsel or this work be of men, it will come to naught, but if it be of God ye cannot overthrow it, lest haply ye be found even to fight against God.' The most vexed questions of the age are social problems. These we have heretofore had but little to do with; we were relieved from them by our peculiar institution. Emancipation of the blacks, with its consequences, was ever considered by me with much more interest as a social question, one relating to the proper status of the different elements of society, and their relations toward each other, looking to the best interest of all, than in any other light. The pecuniary aspect of it, the considerations of labor and capital, in a *politico-economic* view, sunk into insignificance, in comparison with this. This problem, as one of the results of the war, is now upon us, presenting one of the most perplexing questions of the sort that any people ever had to deal with. Let us resolve to do the best we can with it, from all the lights we have, or can get from any quarter. With this view, and in this connection, I take the liberty of quoting for your consideration, some remarks even from the REV. HENRY WARD BEECHER. I met with them some months ago, while pondering on this subject, and was as much struck as surprised, with the drift of their philosophy, coming from the source they did. I give them as I find them in the *New York Times*, where they were reported. You may be as much surprised at hearing such ideas from Mr. Beecher, as I

was. But however much we may differ from him on many questions, and on many questions connected with this subject, yet all must admit him to rank amongst the master spirits of the age. And no one perhaps has contributed more by the power of his pen and voice in bringing about the present state of things, than he has. Yet, nevertheless, I commend to your serious consideration, as pertinent to my present object, what he was reported to have said, as follows :

“ ‘In our land and time facts and questions are pressed upon us, which demand Christian settlement. Settlement on this ground and doctrine. We cannot escape the responsibility. Being strong and powerful, we must nurse, and help, and educate, and foster, the weak, and poor, and ignorant. For my own part, I do not see how we shall escape the most terrible conflict of classes, by-and-by, unless we are educated into this doctrine of duty, on the part of the superior to the inferior. We are told by zealous and fanatical individuals, that all men are equal. We know better. They are not equal. A common brotherhood teaches no such absurdity. A theory of universal, physical likeness, is no more absurd than this. Now, as in all times, the strong go to the top, the weak go to the bottom. It's natural, right, and can't be helped. All branches are not at the top of the tree, but the top does not despise the lower ; nor do they all despise the limb or the parent trunk ; and so with the body politic there must be classes. Some must be at the top and some must be at the bottom. It is difficult to foresee and estimate the development of the *power* of classes in America. They are simply inevitable. They are here now, and will be more. If they are friendly, living at peace, loving and respecting and helping one another, all will be well. But if they are selfish, unchristian ; if the old heathen feeling is to reign, each extracting all he can from his neighbor, and caring nothing for him, society will be lined by classes as by seams—like batteries, each firing broadside after broadside, the one upon the other. If, on the other hand, the law of love prevails, there will be no ill-will, no envy, no disturbance. Does a child hate his father because he is chief, because he is strong and wise ? On the contrary, he grows with his father's growth, and strengthens with his strength. And if in society there should be fifty grades or classes, all helping each other, there will be no trouble, but perfect satisfaction and content. This Christian doctrine, carried into practice, will easily settle the most troublesome of all home present questions.’ ”

“ What he here said of the state of things where he spoke in

the State of New York, and the fearful antagonism of classes there, is much more applicable to us. Here, it is true, only two great classes exist, or are likely to exist; but these are deeply marked by distinction bearing the impress of nature. The one is now, beyond all question, greatly superior to the other. These classes are as distinct as races of men can be. The one is of the highest type of humanity, the other of the lowest. All that he says of the duty of the superior, to protect, to aid, to encourage, and to help the inferior, I fully and cordially endorse and commend to you as quite applicable to us and our situation, as it was to his auditors. Whether the doctrine, if carried out and practised, will settle all these most troublesome home questions with us as easily as he seemed to think it would like home questions with those whom he was addressing, I will not undertake to say. I have no hesitancy, however, in saying that the general principles announced by him are good. Let them be adopted by us as far as practicable. No harm can come from it, much good may. Whether the great barrier of races which the Creator has placed between this, our inferior class and ourselves, shall prevent a success of the experiment now on trial, of a peaceful, happy and prosperous community, composed of such elements and sustaining present relations toward each other, or even a further elevation on the part of the inferior, if they prove themselves fit for it, let the future, under the dispensations of Providence, decide. We have to deal with the present. Let us do our duty now, leaving results and ultimate consequences to that

“Divinity which shapes our ends,
Rough hew them how we will.”

“In all things on this subject, as in all others, let our guide be the admirable motto of our State. Let our counsels be governed by wisdom, our measures by moderation, and our principles by justice.”

On that occasion before spoken of, *to wit*: his retirement from Congress, a magnificent dinner, free to the whole public, was served up in the largest railroad depot in the city. The

invitation asking him to accept it, had been signed by two or three hundred prominent citizens of Augusta, and vicinity, embracing all shades of opinion.

Chance enables us to present a few of the letters of the distinguished men who were invited to the dinner, but could not attend. They show the estimation in which he was held by his compeers.

“FROM GOVERNOR ELLIS, OF NORTH CAROLINA.

EXECUTIVE OFFICE, RALEIGH, *June 26th*, 1859.

“GENTLEMEN:—Your favor of the 16th instant, inviting me to be present at a complimentary dinner to the Hon. A. H. Stephens, at Augusta, on the 2d day of July next, is at hand, for which please accept my thanks.

“I regret exceedingly that official business will prevent my being with you at the time designated. This regret arises from the fact that there is no man in this country whom I would more delight to honor than your distinguished guest. I regard him as not only one of the ablest, but one of the purest and most reliable statesmen in the Union; and in this feeling, I am happy to say, the people of North Carolina participate without distinction of party. As a representative from the State of Georgia, Mr. Stephens has shown himself capable of filling the highest position under the government; and it is most natural that his countrymen should have their attention turned toward him in connection with such positions. Though the country has lost the services of Mr. Stephens in the House of Representatives, it is to be hoped that the day is not distant when he will be called upon to occupy a more extended field of labor, and of usefulness to the public.

“Hoping that you will have an agreeable social gathering on the 2d proximo, I have the honor to be your obedient servant.

“JOHN W. ELLIS.”

“FROM HON. E. A. NISBET, *Georgia Supreme Court*.

“MACON, GA., *June 24th*, 1859.

“GENTLEMEN:—I am in receipt of your polite note of the 16th instant, inviting me to attend a dinner to be given to the Hon. A. H. Stephens, on the second day of next month, as a testimonial of his distinguished services while a member of Congress. It would gratify me exceedingly to be in attendance on that occasion, mainly, that I might, by my presence, show my own appreciation of the services of that distinguished gentleman to the country. I shall not be able to attend. I have no doubt you will

agree with me that statesmanship of the highest order, with very few exceptions, is not now to be found in the national legislature; and that, at no time in the past of our history, has it been more needed than at the present moment. What the country wants, more, perhaps, than any thing else, is calm, conservative, wise men in Congress; with reputations so commanding as to guide public opinion. We have party leaders in abundance; but in the House of Representatives not one who may be justly called a national leader. It is because these things are so, that I do most sincerely regret Mr. Stephens' retirement. He had attained to the desired grade of statesmanship, and enjoyed the requisite nationalism of reputation. In simple truth, his retirement is a public calamity. The House of Representatives was the field of his triumphs, and would be the sphere of his greatest usefulness; for, to my mind, *there* is to be fought yet the great battles of the constitution. Real power is more difficult of attainment there than on higher levels. It is the House of the people, and there they ought to have true exponents of their virtue and intelligence. Of course, I will not be understood as disparaging his fitness for any other position in the public service. If, however, his purpose is settled to become a private citizen, he will carry with him to the shades of his home, the gratitude and respect of numerous friends and admirers in every part of the Union.

Respectfully, etc., etc.,

"E. A. NISBET."

"FROM HON. HOWELL COBB, *Secretary of the Treasury*.

"WASHINGTON CITY, June 28th, 1859.

• GENTLEMEN:—I regret to say that my public engagements will deprive me of the pleasure of attending the proposed dinner to your distinguished representative, Hon. A. H. Stephens. It has been my good fortune to serve in Congress, as the colleague of Mr. Stephens, for a period of ten years. During that time the most important questions of public policy have been discussed and settled. In all of them your late representative took an active and influential part—upon most of them we agreed, upon some we differed; but in all of them his course was marked with ability, patriotism, and devotion to his convictions of right and justice. Few men have retired from our national legislature with a higher reputation than Mr. Stephens. By a faithful and energetic discharge of duty, he won for himself the personal confidence of his immediate constituency to an extent rarely, if ever, exceeded; whilst his bold and eloquent advocacy of the principles and measures he defended, commanded the respect and admiration of all with whom he was associated.

"Such a representative is worthy of the testimonial you have proposed;

and I can only repeat the regret I feel in not being able to participate, personally, in doing honor to one to whom honor is due.

"I am respectfully yours, etc.,

"HOWELL COBB."

"FROM HON. H. V. JOHNSON, *Ex-Governor of Georgia*.

"SPIERS TURN OUT, JEFFERSON Co., GA., *June 29th, 1859.*

"GENTLEMEN :—I duly received your note of the 16th instant, by which you honor me with an invitation 'to attend a dinner, to be given on the 2d day of July, to the Hon. A. H. Stephens, by a number of his friends and former constituents, as a testimonial of their appreciation of his distinguished services while a member of Congress.'

"I sincerely regret that I cannot accept your invitation. As one of his 'former constituents,' it would afford me unfeigned pleasure to attest my 'appreciation of his distinguished public services,' by mingling personally in the convivialities of the occasion.

"Few men, in the history of our country, have achieved a career at once so successful and so brilliant as that which Mr. Stephens now voluntarily closes. Not one ever retired from public life with more dignity. His fame is the well-earned reward of patriotic toil, exalted talents, and uncommon eloquence; his chosen retreat to private life is the triumph of personal virtue over the love of place and office, which is characteristic of noble minds. Still we cannot resist the conviction that his withdrawal from Congress is a public loss, and creates a vacuum difficult to be filled. His tact as a parliamentarian, his familiarity with public affairs, his skill as a debater, his boldness and zeal, all combine to invest him with power for usefulness rarely possessed by statesmen. I am sure I express the almost universal sentiment when I say, I sincerely regret his determination to abandon his field of fame and service.

"Very respectfully, your obedient servant and fellow-citizen,

"HERSCHEL V. JOHNSON."

Mr. J. B. Thorpe thus writes of Mr. Stephens at the time of this retirement from public life, in 1859, which retirement was expected and intended to be final:

"The time was when a visit to Washington city presented a field of intellectual interest; there were men in our National councils alike remarkable for mental power and physical peculiarity. In the Senate were Clay, Webster, and Calhoun; in the House, Randolph, Burgess, Crockett, and other giants in their

way, who, once seen, afforded life-long reminiscences. At present, our Congressmen have, with very few exceptions, become commonplace, and in no way distinguishable from the vulgar multitude which throng the drinking saloons and naked streets of our nation's Capital. Mr. Stephens, of Georgia, one of the oldest members of the House of Representatives, is the most prominent man, intellectually, and the most remarkable man, physically, of the few remaining celebrities. From his infancy he has been an invalid, and the fearful effect of suffering is shown in his singularly delicate frame, in his pale, attenuated face, and in his feeble walk. A first introduction to Mr. Stephens fairly startles you, and it is utterly impossible to realize that there stands before you a man deservedly famous for his triumphs, alike at the bar and the forum; that one so frail could, by his mental ability, give character to the legislation of a great people; but a few moments' conversation, however, are only necessary to impress you with the feeling that you are in the presence of a remarkable man. There is the simplicity of a child in his manners, yet his rich and varied experience crowds upon you, in anecdote and incident, in the statement of broad principles and philosophic reflections, and carries you away with the gentleness and the power of a deep and irresistible stream. His reminiscences of great men are charming beyond expression, and he seems particularly fond of dwelling upon the mental characteristics of such men as Crawford, Clay, Webster, and their compeers, analyzing with singular perception their peculiarities; and, by happy flashes of illustration, giving you a key to their characters—crystallizing them, indeed, until you could see through and through them, and understand them as if you had a new sense of mental perception."

* * * * *

"When Mr. Stephens rises to speak, there is a sort of electric communication among the audience, as if something was about to be uttered that was worth listening to. The loungers take their seats, and the talkers become silent, thus paying an involuntary compliment to Mr. Stephens' talents and high claims as a gentleman. At first his voice is scarcely distinguishable; but in a few moments you are surprised at its volume, and you are soon con-

vinced that his lungs are in perfect order ; and as his ideas flow, you are not surprised at the rapt attention he commands. [His style of speaking is singularly polished ; but he conceals his art, and appears, to the superficial observer, to be eloquent by inspiration. The leading characteristic of his mind is great practical good sense, for his arguments are always of the most solid and logical kind ; hence his permanent influence as a statesman, while his bright scintillations of wit and profuse adornment secure him a constant popularity as an orator. Possessed of a mind too great to be restrained by mere partisan influence, he has therefore the widest possible field of action : at one time heading a forlorn hope, and leading it to victory ; at another, giving grace and character to a triumphant majority. Common as it is to impugn the motives of many of our public servants, and charge them directly with corruption, Mr. Stephens has escaped without even the taint of suspicion ; an inflexible honesty of purpose on his part, as a governing principle, is awarded to him by his veriest political foe.

“The report that Mr. Stephens will retire from Congress at the end of the present session remains uncontradicted, yet we indulge the hope that he only seeks temporary repose before again entering upon active political life.”

Mr. Stephens did retire, without any idea or intention of ever again entering public life. His name, however, was early mentioned as a desirable candidate for the Presidency, by friends North and South, and the following letter from a distinguished Judge, is a fair index to the feelings of the State :—

“GREENVILLE, GA., *December 24th*, 1859.

“SIR:—Your letter of the 22d is received, and in reply to your queries, I have to say that Mr. Stephens is decidedly my first choice as a candidate for the next President. The following are, briefly, some of my reasons for that preference :

“1. He is the undoubted choice of a large majority of the people of Georgia.

“2. He is a *true* man, and an enlightened *practical* statesman, who would administer the government with ability and economy,

in strict accordance with the principles observed and recognized, in the early and better days of the republic.

“3. Because he is an available man for a candidate, the man for the times, enjoying the confidence and respect of the true friends of constitutional government throughout the Union.

“4. Because he has not sought the office directly or indirectly, either by intriguing for the nomination, or suffering himself to be made the instrument of any particular clique or faction; consequently if nominated and elected, would have no friends to reward or enemies to punish, but will faithfully guard and protect the interests of the whole country, and every section of it, in obedience to the constitution and laws of the land. While Mr. Stephens is my first choice for President, being an old-fashioned Jackson democrat, I shall cordially support the nominee of the Charleston Convention, when fairly and properly made, in accordance with the principles and usages of the party.

“Your obedient servant,

“HIRAM WARNER.

“Dr. JAMES P. HAMBLETON.”

The views of Mr. Stephens as to that memorable campaign, are chiefly embodied in the following papers, to wit: his reply to thirteen prominent citizens of Macon, Georgia, dated May 9th, 1860; in his letter to Dr. Landrum, of July 1st, 1860; his letter to the editor of this book and writer of this sketch, April 8th, 1860, and to Mr. C. D. Curtis; all of which are contained in this volume. The following is the letter to the writer of these pages with the one which drew it forth. It is part of the history of an eventful period.

“CONSTITUTIONALIST OFFICE, AUGUSTA, GA., *March 25th*, 1860.

“Hon A. H. STEPHENS:

“DEAR SIR:—I have received a letter from one of the delegates of the Eighth Congressional district, requesting me to take his place in the Charleston Convention, and I think that I shall go. The purpose of this, is to ask permission to use your name in the Convention. I know that you do not desire it, but knowing

the pleasure it would give the people of your State, would you accept the nomination if offered? I have been informed that you have already answered the question, but I do not know it. I trust that you will not deem this intrusive or impertinent, for I feel that I could not truly represent the Eighth district by any other preference.

Very respectfully,

"HENRY CLEVELAND."

"CRAWFORDVILLE, GEORGIA, 8th April, 1860.

"DEAR SIR:—You must excuse the delay of my answer to your letter of the 25th ultimo. It reached the office here during my absence to Wilkes' court. All the last week, up to last night, I was at Warren court; and I am to leave home this evening for Hancock, where I shall be all next or rather all the present week. I can therefore now answer only briefly, but pointedly and candidly. I do not wish my name put in nomination at Charleston. I do not wish it presented by the Georgia delegation in the convention. I not only do not wish it done, but I protest against its being done. The Presidency is an office I do not want.

* * * * *

"In answer to your question whether I would accept a nomination if tendered, I can only say to you what I have said to others, that 'sufficient unto the day is the evil thereof.' I have no idea that any such question will ever be presented for my serious consideration; but if it should be, my action would be governed solely by my sense of duty at the time.

"Lord Coke, when upon the King's Bench, being once asked by his sovereign how he would decide a hypothetical case submitted to him, replied in substance, if not in the identical words—'When the case happens, I shall do that which it shall be fit for a Judge to do.' And so I say in reply to your question, When the case happens I shall do that which shall be fit for a patriot to do—or at least, I shall do that which my own sense of duty shall require me to do. I can imagine a nomination made under circumstances that I would not accept; and yet a nomination might be made—that is, it is within the range of possibility, but not within the limits of the remotest probability—under such circumstances that I could not decline without being greatly dere-

lict in duty. No good citizen could refuse to perform any duty assigned him to the best of his ability, however reluctant he might be, and however hazardous or disagreeable the duty might be, if the public good require it. To do so, in civil life, would be no better than to run in battle. That I should never do, if for the public safety, I was ordered out to a post where instant death was inevitable. This is all the answer, as a good citizen and an honest man, I can give you. I state to you, frankly, that it would be with reluctance that I should, under any circumstances, accept the duties of President of the United States. It would be only from a sense of duty. And I should feel the greater reluctance, from the weight of the grade of the duty. With its higher responsibilities, the greater would be my reluctance. As for the *honor* of any position, that, in my judgment, depends entirely upon the deeds performed in the position. So far from the Presidency, or any other office, conferring *honor* upon one who is so lucky, in his own opinion, as to get it, I consider it a great dishonor if he is not, in all the requirements of qualification, thoroughly up to the full measure of the position.

“‘Honor and shame from no condition rise,
Act well your part—there all the honor lies.’

“This is as true of *any position* as it is of *any condition* of life. It is as true of office as it is of any thing else. And, measuring myself by this rule, I tell you, candidly, I should shrink from assuming the high position of chief magistrate of this great republic, with its diversity of interests, prejudices and passions, its sectional strifes and troubles. I would, in *every possible contingency*, prefer to see some other man, who feels desirous of undertaking it, gratified in his wishes; some man who, with the desire, has in a much greater degree the requisite qualifications for directing the future destiny of such great interests than I have. I should greatly prefer to see any of the prominent men now spoken of in the democratic party, not excepting Judge Douglas, assigned that position, than that it should be assigned to me. Were the office to be disposed of by lot between them and myself, I should feel relieved at its being cast upon either of the others.

“ These, sir, are my feelings and views upon the subject of your letter, as clearly as I can give them. I have not been able to give them as briefly as I expected when I commenced, but I trust you will find no difficulty in understanding them, and fully appreciating them. And besides this, I have nothing else to say, except to express the earnest hope that the members of the Charleston Convention, from all parts and sections of the country, will enter into their councils duly impressed with the importance of their action—the importance of coolness, prudence, and discretion—wisdom, and the most enlarged patriotism—the importance of overlooking personal likes or dislikes, and directing their attention solely to country, its present condition and future hopes; for upon the action of that convention, in my judgment, the peace, welfare, and even permanency of our government, as it now exists, may, and very probably will, depend. Greater responsibility did not rest upon the convention that framed the constitution of the United States. We are on the eve of one of our great political battles, which will mark the course of events for many years to come. The history of the world abounds in wars and battles. But in it we see some of much greater consequence to mankind than others. Some that mark epochs of themselves—such as Marathon, and Waterloo, for instance. So we, in our political contests, have had many hard-fought struggles, that passed away with the passions that entered into them; but the conflict now approaching will be a Marathon or a Waterloo in our history. But enough.

Yours, truly,

“ALEXANDER H. STEPHENS.

“HENRY CLEVELAND, *Augusta, Ga.*”

Mr. Stephens had refused solicitations to speak in the earlier part of the canvass of 1860, but his ardent desire to perpetuate a constitutional Union, drew him out, in spite of feeble health, and his own repeated protestations. His first speech in the canvass of that year, was in the City Hall Park, Augusta, September 1st, of 1859, during the delivery of which he was compelled to sit down from exhaustion. We publish it in full.

He made two or three other speeches during that campaign,

none of which have ever been reported. His speech in Columbus, Georgia, was one of the grandest efforts of his life, and of most wonderful effect upon his audience. In the midst of his impressive appeal to "Stand by the constitution in any and every event," the vast crowd arose to their feet, as one man; and while venerable ministers of the gospel, and dignified statesmen, and citizens, seemed to vie with each other in enthusiasm, the prolonged shouts of applause stopped for awhile the utterance of the orator. His speech in Dalton, Georgia, was also eminently successful. He was sick in bed, and only consented to go that his presence might be known. Hon. Linton Stephens, late of the State Supreme Court, made one of those magnificent speeches, in which he almost surpasses the eloquence of his brother Alexander; and that brother became inspired by its glowing words. He arose, with a borrowed expression of sad but sublime pity for the delusions and dissensions of his countrymen: "Oh, Jerusalem, Jerusalem! thou that killest the prophets, and stonest them which are sent unto thee; how often would I have gathered thy children together, even as a hen gathereth her chickens under her wings, but ye would not!" His whole effort was to rouse the people to a sense of the great impending dangers, to impress upon them the great importance of adhering to their old established principles, and of sustaining, throughout a common country, those men who were standing by those principles, as the only means of maintaining the constitution, and the Union under it.

Attempts were made to break the force of the speech, by interruptions with questions touching Douglas's position. All these served but as fuel to light up the flame of his eloquence.

In an eloquent burst of oratory, raising his thin hand toward heaven, he said: "Rather than that this hand should put a vote in the ballot-box in condemnation of Stephen A. Douglas, I would prefer letting it go down to posterity covered with the infamy of having poured the hemlock in the cup of Socrates." We quote from memory only. The speech was never reported.

Soon after this, Mr. Stephens met Mr. Douglas, on his appearance in Atlanta, Georgia, and introduced him to the vast audience with the following highly complimentary remarks :

“FELLOW-CITIZENS OF GEORGIA :—The occasion of our meeting to-day is one of deep interest. No subject of an earthly character is more interesting to a free people than the principles of their government. We have come up here to hear from the candidate of the national democratic party the principles which would govern his administration if he should be elected, the principles which should govern the administration of any man who may be elected, and the only principles, as we believe, upon which the union of the States can be preserved, and the liberties of the people perpetuated.

“My countrymen, I bespeak for that candidate to-day a careful, calm, and patient hearing. He comes to address not your passions, but your intellects. A free government can only be maintained by the virtue, by the intelligence, and by the patriotism of the people. Ours is the only really free government on the face of the earth, and our institutions, which cost so much, and which are so dear to every patriot, can only be maintained by the exercise of intelligence, of virtue, and patriotism. This must be done at the ballot-box.

“Yonder sun, that shines so brilliantly and auspiciously upon us to-day in his circuit around the earth, lights up no nation where the people enjoy the liberties that the people of the United States do. [Cheers.] My countrymen, I make an appeal to you that you shall so act on all occasions that these liberties may be perpetuated. To the old men, to the middle aged men, and to the boys in this crowd, I make this appeal. You have heard much of the distinguished Senator, now the candidate of the national democratic party. You have heard much that was true, and you have, also, doubtless, heard much that was not.

“We wish you to-day to give him your close attention, and from his own lips, and not from those of another, to make up your judgment. Then I appeal to every man, when he leaves him, if he speaks the words of patriotism and truth, to act toward him as a patriot should, looking to the best interests of his

country. You have heard it said that he is an enemy to the equality of the States. I have known him for the last sixteen years—we entered Congress together, and I maintain before you that from that day to this, no man in the public councils has been truer, or firmer, or bolder, in defending not only the equality of the States, but the equality of all the citizens of this republic. [‘Hurrah for Douglas,’ and immense applause.] But hear him for yourselves, take it not from me, but hear what he says, and then pronounce your judgments accordingly.

* * * * *

“I now, my fellow-countrymen, have the pleasure of introducing to you Stephen A. Douglas, the national democratic candidate for President of the United States.” [Immense and long-continued applause.]

In the opening of Senator Douglas’s speech on that occasion, some interesting facts were brought to light, which show, not only that Mr. Douglas was willing to sacrifice his own ambition for the general good; but also, that Mr. Stephens was no aspirant for the office, the candidacy of which seemed seeking him. Mr. Douglas said:

“FELLOW-CITIZENS OF GEORGIA:—Such an introduction from one of the first intellects and purest patriots that this republic ever produced, fills my heart with gratitude. [‘Hurrah for Stephens,’ and cheers.] I come before you to-day, not for the purpose of soliciting your votes, but for the purpose of vindicating those principles of government upon which I believe the equal rights of all the citizens of all the States may be preserved within the Union.

“I hold that there is no grievance of which we complain for which disunion would afford an adequate remedy. I believe that there can be no grievance in this country for which the constitution and the laws will not afford ample remedy within the Union. All that is necessary is, that each and every clause of the constitution shall be carried into effect in good faith. Every right guaranteed by that instrument, every duty imposed by it, must be carefully protected and faithfully performed. So long as we

live under a constitution which is the supreme law of all the States, it must be executed in such a manner as to afford equal rights and equal protection to the citizens of all the States of this Confederacy.

* * * * *

“My friends at Baltimore, in 1860, did not demand, as a *sine qua non*, either a change in the platform or the nomination of any particular man. It is well known that I stood ready and anxious to withdraw my name at any moment that it would restore harmony by nominating a sound man on the Cincinnati platform. [Applause.] And I will now state, what no man before has known, and what, once stated, will astonish the person alluded to more than any one in the assemblage. Pending the convention, I wrote letters to my friend Richardson, at Baltimore, urging that if they would only stand by the Cincinnati platform, and accept a southern man on that platform—I implored him to consult our friends, and get them to accept Alexander H. Stephens, of Georgia, as the man. [Tremendous applause.] The secessionists knew that I had proposed to withdraw my name, and unite upon a true non-intervention man, before they seceded at Baltimore. They seceded with a knowledge of the fact that I was not asking a nomination, but was simply fighting a battle for principles. [Cheers.]

“Now for an evidence of the fact that they knew that I was ready to withdraw, although they did not know who would be my choice, if I did, nor did he [pointing to Mr. Stephens] ever dream of it up to this hour. As evidence of the fact, telegraphic despatches were sent off, on Friday night, ten or fifteen hours before the bolt, announcing that Douglas had written letters to Baltimore withdrawing his name and going for a southern man. [Applause.] Those despatches were sent by the seceders to all portions of the country, and the files of the daily papers of that day will attest the fact. I have alluded to this matter for the purpose of showing that there has been no unholy ambition stimulating me in this contest.” [Cheers.]

What Mr. Douglas said in the same speech, on the Georgia platform of 1850, we have given before.

VI

POSITION ON THE QUESTION OF SECESSION.

SPEECH BEFORE THE LEGISLATURE OF GEORGIA, 14TH NOVEMBER, 1860—CORRESPONDENCE WITH MR. LINCOLN—SPEECH IN THE SECESSION CONVENTION—DELEGATE TO THE CONGRESS IN MONTGOMERY, AND ELECTED VICE-PRESIDENT OF THE CONFEDERATE STATES' ORGANIZATION.

THE election of Mr. Lincoln was attended with the greatest excitement. Many of the leading men of the South had during the canvass declared themselves openly for secession in that event. This sentiment spread with amazing furor as soon as the result was known. The legislature was in session. There was a strong feeling with many of the members to declare the State out of the Union, and by acts of that body to resume the sovereign powers of the State. A very large majority were against remaining longer in the Union. The most exciting and inflammatory speeches were made night after night by prominent men of the State not members. Mr. Stephens was invited by the more conservative portion to give them his views upon the crisis. He went to Milledgeville, and, in response to the call, on the night of the 14th of November delivered the memorable speech which belongs to the household words of the Union—a part of the nation's history, and a portion of its heart.*

* At the close of this speech, Hon. Robert Toombs, his great opponent, arose and said: "Fellow-citizens, we have just listened to a speech from one of the brightest intellects and purest patriots that now lives. I move that this meeting now adjourn, with three cheers for Alexander H. Stephens, of Georgia." They were given with a good will.

That was a gloomy time for the lovers of the Union, as the following

This speech, though so widely and extensively circulated, was entirely extemporaneous, as were all the political speeches he ever made, save two—the one of July 4th, 1834, the other of February 22d, 1866. It was never fully revised by him, as will appear from the following correspondence. It had made a deep impression South and North, and gave rise to the correspondence between the Hon. Abraham Lincoln, of Illinois, President elect, and himself, which Mr. Stephens for the first time permits to be published. We are informed by Mr. Stephens, that no person had ever seen the letters of Mr. Lincoln to him until since his return from Fort Warren, in 1865, except his private secretaries.

The "*For your own eye only*" of Mr. Lincoln, has been sacredly observed, as far as possible, so long as it was deemed at all necessary or proper.

The correspondence is now given, not only for its own intrinsic interest, but as throwing light on Mr. Stephens' views and positions at that time. Mr. Lincoln's two letters are given in *fac-simile*, as well as the copy retained of Mr. Stephens' first letter to him.

anecdote will show: That night, Herschel V. Johnson, the defeated candidate for Vice-President, could not refrain from congratulating Mr. Toombs upon his generous conduct to an opponent, who was addressing so large a majority of secessionists, and told him that his concluding behavior, on the motion to adjourn, was admirable. "Yes," said Toombs, "I always behave myself at a funeral!" Mr. Toombs had spoken the night before, and it was to his impassioned eloquence that Mr. Stephens had mainly replied.

Springfield, Ill. Nov. 30. 1860

Hon. A. W. Stephens

My dear Sir.

I have read, in the
newspapers, your speech recently deliv-
ered (I think) before ^{the} Georgia Legisla-
ture or its assembled members

If you have revised it, as is proba-
ble, I shall be much obliged if
you will send me a copy—

Yours very truly
A. Lincoln.

Original draft copy of the
Crawfordville Ga
14 Dec. 1860

My Dear Sir

Your short & polite note of the
30th ult. asking for a revised copy of the
Sketch was much appreciated and was not
received until last night. The man
upon whom of the sketch has never
been revised by me - The notes of
the Purport were submitted to me &
corrected to some extent before being
published but not so thoroughly as
I would have wished - The sketch
was substantially correct - If I
had had any idea that it
would have been so extensively
circulated as it has been and
been published in so many papers
throughout the County as it has been
I should have prepared a copy for the
press in the first instance. But I

not natural thought and therefore is the
verbal as it did - then on second
verbal in accuracy in it but the
main points appear sufficiently
clear for all practical purposes.
The country is certainly in great
need and no man ever had
less or more without being
better than you have
in the present emergency -

Yours most respectfully

Alexander Stephens

Wm. Abraham Lincoln

Springfield
Ill.

For your own eye only

Springfield, Ill., Dec. 22. 1860

Hon. A. H. Stephens—

My dear Sir

Your obliging answer to my short note is just received, and for which please accept my thanks— I fully appreciate the present peril the country is in, and the weight of responsibility a mo-

Do the people of the South really entertain fears that a Republican administration would, directly, or, indirectly, interfere with their slaves, or with them, about their slaves? If they do, I wish to assure you, as once a friend, and still, I hope, not ~~any~~ an enemy, that there is no cause for such fears—

The South would be in no more danger in this respect, than it was in the days of Washington—

I suppose, however, this does not
meet the case — You think slavery
is right and ought to be extended;
while we think it is wrong and
ought to be restricted — That I
suppose is the rub — It certainly
is the only substantial difference
between us —

Yours very truly
A. Lincoln

“CRAWFORDVILLE, GEORGIA, 30th Dec., 1860.

“DEAR SIR:—Yours of the 22d instant was received two days ago. I hold it and appreciate it as you intended. Personally I am not your enemy—far from it—and however widely we may differ politically, yet I trust we both have an earnest desire to preserve and maintain the Union of the States, if it can be done upon the principles and furtherance of the objects for which it was formed. It was with such feelings on my part, that I suggested to you in my former note the heavy responsibility now resting on you, and with the same feelings I will now take the liberty of saying in all frankness and earnestness, that this great object can never be attained by force. This is my settled conviction. Consider the opinion, weigh it, and pass upon it for yourself. An error on this point may lead to the most disastrous consequences. I will also add, that in my judgment the people of the South do not entertain any *fears* that a Republican Administration, or at least the one about to be inaugurated, would attempt to interfere *directly* and *immediately* with slavery in the States. Their apprehension and disquietude do not spring from that source. They do not arise from the fact of the known anti-slavery opinions of the President elect. Washington, Jefferson, and other Presidents are generally admitted to have been anti-slavery in sentiment. But in those days anti-slavery did not enter as an element into party organizations.

“Questions of other kinds, relating to the foreign and domestic policy—commerce, finance, and other legitimate objects of the general government—were the basis of such associations in their day. The private opinions of individuals upon the subject of African slavery, or the *status* of the negro with us, were not looked to in the choice of Federal officers, any more than their views upon matters of religion, or any other subject over which the government under the constitution had no control. But now this subject, which is confessedly on all sides outside of the constitutional action of the government so far as the States are concerned, is made the ‘central idea’ in the platform of principles announced by the triumphant party. The leading object seems to be simply, and wantonly, if you please, to put the institutions

of nearly half the States under the ban of public opinion and national condemnation. This, upon general principles, is quite enough of itself to arouse a spirit not only of general indignation but of revolt on the part of the proscribed. Let me illustrate. It is generally conceded, by the republicans even, that Congress cannot interfere with slavery in the States. It is equally conceded that Congress cannot establish any form of religious worship. Now suppose that any one of the present Christian churches or sects prevailed in all the Southern States, but had no existence in any one of the Northern States—under such circumstances suppose the people of the Northern States should organize a political party—not upon a foreign or domestic policy, but with one leading idea of condemnation of the doctrines and tenets of that particular church, and with the avowed object of preventing its extension into the common territories, even after the highest judicial tribunal of the land had decided they had no such constitutional power! And suppose that a party so organized should carry a Presidential election! Is it not apparent that a general feeling of resistance to the success, aims, and objects of such a party would necessarily and rightfully ensue? Would it not be the inevitable consequence? And the more so, if possible, from the admitted fact that it was a matter beyond their control, and one that they ought not in the spirit of comity between co-States to attempt to meddle with. I submit these thoughts to you for your calm reflection. We at the South do think African slavery, as it exists with us, both morally and politically right. This opinion is founded upon the inferiority of the black race. You, however, and perhaps a majority of the North, think it wrong. Admit the difference of opinion. The same difference of opinion existed to a more general extent amongst those who formed the constitution, when it was made and adopted. The changes have been mainly to our side. As parties were not formed on this difference of opinion then, why should they be now. The same difference would of course exist in the supposed case of religion. When parties or combinations of men, therefore, so form themselves, must it not be assumed to arise not from reason or any sense of justice, but from fanaticism. The motive

can spring from no other source, and when men come under the influence of fanaticism, there is no telling where their impulses or passions may drive them. This is what creates our discontent and apprehension. You will also allow me to say, that it is neither unnatural or unreasonable, especially when we see the extent to which this reckless spirit has already gone. Such, for instance, as the avowed disregard and breach of the constitution, in the passage of the statutes in a number of the Northern States against the rendition of fugitives from service, and such exhibitions of madness as the John Brown raid into Virginia, which has received so much sympathy from many, and no open condemnation from any of the leading men of the present dominant party. For a very clear statement of the prevailing sentiment of the most moderate men of the South upon them, I refer you to the speech of Senator Nicholson, of Tennessee, which I inclose to you. Upon a review of the whole, who can say that the general discontent and apprehension prevailing is not well founded?

“In addressing you thus, I would have you understand me as being not a personal enemy, but as one who would have you do what you can to save our common country. A word ‘fitly spoken’ by you now, would indeed be ‘like apples of gold, in pictures of silver.’ I entreat you be not deceived as to the nature and extent of the danger, or as to the remedy. ✓ Conciliation and harmony, in my judgment, can never be established by force. Nor can the Union under the constitution be maintained by force. The Union was formed by the consent of independent sovereign States. Ultimate sovereignty still resides with them separately, which can be resumed, and will be if their safety, tranquillity and security in their judgment require it. Under our system, as I view it, there is no rightful power in the general government to coerce a State, in case any one of them should throw herself upon her reserved rights, and resume the full exercise of her sovereign powers. Force may perpetuate a Union. That depends upon the contingencies of war. But such a Union would not be the Union of the constitution. It would be nothing short of a consolidated despotism. ✓ Excuse me for giving you these views. Excuse the strong language used. Nothing but the deep interest I

feel in prospect of the most alarming dangers now threatening our common country, could induce me to do it. Consider well what I write, and let it have such weight with you, as in your judgment, under all the responsibility resting upon you, it merits.

Yours respectfully,

"ALEXANDER H. STEPHENS.

"TO HON. ABRAHAM LINCOLN, *Springfield, Ill.*

Mr. Stephens was elected to the secession convention of the State, which assembled at Milledgeville Georgia, on the 16th of January, 1861. There he continued to exert himself for the maintenance of the Union. He spoke and voted against the ordinance of secession. But after it passed, was, much to his surprise, selected as one of the delegates to the city of Montgomery. He hesitated two days, but from the hope of doing something to preserve constitutional liberty; and seeing indications that many in the North were seriously inclined to let the Southern States depart in peace, if they were in earnest in the movement, he consented.

President Buchanan, then in office, held that there was no power in the federal government under the constitution to coerce a State. The Attorney-general had given his opinion to the same effect. Mr. Lincoln had made no public declaration of his policy, no public expression had come from him either approving or disapproving of the constitutional view, expressed by Mr. Buchanan in his Annual Message of December before, or what would be the course of his administration on the subject. While in Congress with Mr. Stephens, however, in 1848, he had expressed the following sentiments upon the general subject of the right of any people to change their government and form a new one, which in their opinion would suit them better :

"Any people," said he, "anywhere, being inclined and having the power, have the right to rise up and shake off the existing government, and form a new one that suits them better. This is a most valuable, a most sacred right—a right which, we hope and believe, is to liberate the world. Nor is this right confined

to cases in which the whole people of an existing government may choose to exercise it. Any portion of such people that *can*, *may* revolutionize, and make their *own* of so much of the territory as they inhabit. More than this, a *majority* of any portion of such people may revolutionize, putting down a *minority*, intermingled with, or near about them, who may oppose their movements. Such minority was precisely the case of the tories of our own revolution. It is a quality of revolution not to go by *old* lines, or old laws; but to break up both, and make new ones."

Many of the leading republican papers at the North, the organs of the party which had elected him, had also then recently uttered similar sentiments, and had given strong indication of a willingness to let "the wayward sisters of the South" depart in peace, if they were in earnest and chose so to do.

The New York *Tribune*, for instance, as early as the 10th of November before, had put forth the following:—

"And now if the cotton States consider the value of the Union debatable, we maintain their perfect right to discuss it. Nay: we hold, with Jefferson, to the inalienable right of communities to alter or abolish forms of government that have become oppressive or injurious; and, if the cotton States shall decide that they can do better out of the Union than in it, we insist on letting them go in peace. The right to secede may be a revolutionary one, but it exists nevertheless; and we do not see how one party can have a right to do what another party has a right to prevent. We must ever resist the asserted right of any State to remain in the Union, and nullify or defy the laws thereof; to withdraw from the Union is quite another matter. And, whenever a considerable section of our Union shall deliberately resolve to go out, we shall resist all coercive measures designed to keep it in. We hope never to live in a republic, whereof one section is pinned to the residue by bayonets."

Under these circumstances, what could a man of Mr.

Stephens' impulses and nature do, but yield to the dictates of a philanthropic heart prompting him to aid in saving what could be saved of public liberty in the pending general disruption, which seemed to be determined on by one side and not seriously objected to on the other? With this view and this object, he did yield to earnest appeals, not only from members of the convention after his unanimous choice by that body as a delegate, but to appeals from other friends outside of the convention. He finally consented to go, and was once more launched most reluctantly on the tempest-tost ocean of politics, on a voyage more perilous than ever he had been on before, from no motive of selfish ambition or personal aggrandizement, but solely with a view and a hope of being able to do the public some good. Well may he exclaim, as he often does—

“What grounds we build our hopes upon;
———life's but a mist,
And in the dark our fortunes meet us.”

His first effort was to preserve the principles of the old constitution, and he, therefore, on the 28th of January, 1861, presented to the convention of his State the following resolution as part of the directions for the government of her delegates:

“*Be it Resolved*, That said delegates be likewise authorized, upon like consultation with the delegates from the other States in said Congress, to agree upon a plan of permanent government for said States, upon the principles and basis of the constitution of the United States of America, which said plan or constitution of permanent government shall not be binding or obligatory upon the people of Georgia, unless submitted to, approved, and ratified by this convention.”

With these views, he went to the convention at Montgomery, was on the committee for, and took an active part in, the formation of the constitution for the provisional government. As a parliamentarian, he had an unrivalled reputation in the old

Congress, and it devolved upon him to draw up the rules for the Southern Congress. Some very marked changes were made in the parliamentary law of this country; for instance, the "*Previous Question*" was omitted, and a new one styled, "*The Question*," made to answer a better purpose. The *Rules* will be found in full in this volume.

After the constitution was formed, he (being absent from the halls) was unanimously elected Vice-President of the Confederate States. On the evening of his election, he was serenaded, and made the following speech :

"GENTLEMEN AND FELLOW-CITIZENS, for though we met as strangers from different and independent States, we are once more citizens of a common country. [Applause.] Allow me briefly and sincerely to return you my unfeigned thanks for this compliment. The state of my health, my voice and the night air, apart from all other considerations, will prevent me from doing more. This is not the time or the place to discuss those great questions which are now pressing upon our public counsels. We are in a transition condition—in the process of a new formation.

"Sufficient to say, that this day a new republic has been born—the Confederate States of America has been ushered into existence, to take its place amongst the nations of the earth—[cheers]—under a temporary or provisional government, it is true; but soon to be followed by one of a permanent character, which, while it surrenders none of our ancient rights and liberties, will secure more perfectly, we trust, the peace, security, and domestic tranquillity that should be the objects of all governments. [Applause.]

"What is to be the future of this new government—the fate of this new republic—will depend upon ourselves. Six States only, at present, constitute it—but six stars, as yet, appear in our constellation—more, we trust, will soon be added. By the time of the adoption of the constitution of the permanent government, we may have a number greater than the original thirteen—of the original Union, and with more than three times their population,

wealth, and power. [Applause.] With such a beginning, the prospect of the future presents strong hopes to the patriot's heart, for a bright and prosperous career. But what that future shall be, depends, I say, upon ourselves and those who shall come after us. Ours is a republic. And all republics, to be permanent and prosperous, must be supported by the virtue, intelligence, integrity, and patriotism of the people. These are the corner-stones upon which the temple of popular liberty must be constructed, to stand securely and permanently. Resting ours upon these, we need fear nothing from without or from within. With a climate unsurpassed by any on earth; with staples and productions which control the commerce of the world; with institutions, so far as regards our organic and social policy, in strict conformity to nature and the laws of the Creator, whether read in the Book of Inspiration or in the great book of manifestations around us, we have all the natural elements essential to the attainment of the highest degree of honor, glory, and renown. [Applause.]

"These institutions have been much assailed. It is our mission to vindicate the great truths on which they rest—and with them to exhibit the highest type of civilization which it is possible for human society to reach. In doing this, our policy should be marked by a desire to preserve and maintain peace with all other States and peoples. If this cannot be done, let not the fault lie at our door. While we should make aggressions on none, we should be prepared to repel them if made by others; let it come from whatever quarter it may. [Applause.] We ask of all others simply to be let alone, and to be permitted to work after our own safety, security, and happiness, in our own way, without molesting or giving offence to any other people.

"Let then peace, fraternity, and liberal commercial relations with all the world, be our motto. [Cheers.] With these principles, without any envy toward other States in the line of policy they may mark out for themselves, we will rather invite them to a generous rivalry in all that develops the highest qualities of our nature. [Applause.]

"With best wishes for you, gentlemen, and the success of

our common government, this day announced, I bid you good-night."

The following testimony to Mr. Stephens' earnestness in endeavoring to preserve the Union under its constitutional guarantees, did not appear before the public until after the close of the war. The letter was published by Mr. Curtis, to whom it was addressed, in 1865, while Mr. Stephens was in prison.

"CRAWFORDVILLE, GA., 30th November, 1860.

"MY DEAR SIR:—Your kind and esteemed favor of the 23d instant is before me. I was truly glad to receive it, and to know that the general line of policy indicated in the speech made by me before our legislature, met your approval. The times are indeed perilous, and nothing but the prompt and most energetic action on the part of the patriots in all sections of the country can save the republic. Of this I am confident; but I am not confident, or even sanguine, in my hopes that even this can do it. Still, the effort should be made. South Carolina, I suppose, will certainly go out of the Union forthwith—just as soon as her convention meets and can act. My apprehension is, that Georgia, Alabama, Florida, and Mississippi will go too. If South Carolina would wait to see whether the offending States North would change their position, and resume their constitutional obligations, I have but little doubt that Georgia would also. But when South Carolina takes the lead, I have but little hope of either of the other named States holding back. This, I assure you, may be looked for.

"What sort of an adjustment can afterward be made to restore union, or effect reconciliation, I do not know. I am certain, however, that nothing short of what was indicated in my speech, to which you refer, can. Should the seceding States be let alone, and no force be used against them, perhaps an amicable understanding and settlement of the matters in controversy might be made at no distant day. But if resort to arms is once had, all prospect of peace and union, in my judgment, will be gone forever. I write freely and frankly to you. What I say is intended for yourself only, and not for the public, in any sense of the word. When I tell you what I apprehend will be the course of the Georgia con-

vention, it is only to apprise you of the real state of things here.

“There are a large number of our people who will sustain my position; but I feel that the odds are against us. We will do all that we can, and should any decided demonstration be made in Massachusetts, or other Northern States, on the part of any leading republicans, to right the wrongs of which our people so justly complain, it would greatly aid us in our patriotic endeavors to save the constitution and the Union under it. This is my earnest desire. Thanking you again for your letter, and hoping to hear from you again as to the prospect in Massachusetts, I remain,

Yours, truly,

“ALEXANDER H. STEPHENS.

“GEO. T. CURTIS, *Boston, Massachusetts.*”

As another interesting matter relating to Mr. Stephens' views and feelings on the state of the country, which seem not yet generally understood in all parts of the Union, we give the following correspondence, which has never been made public before. It was before his election as Vice-President:

“WASHINGTON CITY, *Jan. 31st, 1861.*

“DEAR SIR:—Thanking you for your hospitality during my tarry at your place in the latter part of September last, I pray the privilege of putting myself under renewed obligations, which will be expressed in a few words.

“The public of the North are in a measure ignorant of your position in the present posture of affairs. Will you do me the honor to explain it?

“It has been a sincere pleasure to me to speak and write to Northern people regarding your patriotic position and sentiments, as enunciated during my truly pleasurable sojourn with you.

“Your obedient servant,

“SAMUEL R. GLENN, *National Hotel.*

“Hon. A. H. STEPHENS.”

“MONTGOMERY, ALA., *8th Feb., 1861.*

“DEAR SIR:—Your letter of the 31st ult., addressed to me at Crawfordville, Ga. (my home), was received by me yesterday in

this place, where I am, as perhaps you are aware, rendering the public whatever aid I can in the reconstruction of a government for our people. Events, since I saw you, have taken the course I then told you I thought they would take. I then saw their shadows 'coming before.' Had others I could name, at that time been as sensibly impressed with this fact as I was, the result might have been averted. The *utmost* of my power was exerted to that end, but all in vain. In answer to your inquiry, I will barely refer you to the speech I made before our legislature, 14th November last (it was republished in the *Herald*), and to a letter I wrote to a friend in New York, which was published in the *Journal of Commerce* (without my knowledge) soon after, and to a slip you will find inclosed in this letter.

"From all these, you can much better understand my position than I could undertake to set it forth in a letter.

"The inclosed slip, you will see, is the speech I made in our State Convention—it is badly printed, but you can understand it. We are now in the midst of a revolution. That may be acted upon as a fixed, irrevocable fact. It is bootless to argue the causes that produced it, or whether it be a good or bad thing in itself. The former will be the task of the historian. The latter is a problem that the future alone can solve. The wise man—the patriot and statesman in either section—will take the fact as it exists, and do the best he can under circumstances as he finds them, for the good, the peace, welfare, and happiness of his own country. I have neither room nor time to say more, and what I have said, of course, is intended only for yourself. The great objection to private letters of this character being brought before the public arises from the haste with which they are generally sketched. This is particularly the case with myself. While I have no special confidences to enjoin in any thing I write to anybody, in relation to public affairs, I do have a strong and repugnant aversion to being brought before the public against my will.

"Yours, most respectfully, ALEXANDER H. STEPHENS.

"SAMUEL R. GLENN, *National Hotel, Washington, D. C.*"

The following is the letter referred to in the letter to Mr.

Glenn. It was addressed to a strong secessionist from Georgia, then residing in the city of New York.

“CRAWFORDVILLE, GEORGIA, 25th Nov., 1860.

“DEAR SIR:—Your kind and esteemed favor of the 19th inst. is before me, for which you will please accept my thanks. I thoroughly agree with you as to the nature and extent of the dangers by which we are surrounded, and the importance of united action on the part of our people, in the line of policy to be pursued.

“I know, also, that there breathes not a man in Georgia who is more sensitively alive to her rights, interests, safety, honor, and glory, than myself; and whatever fate befalls us, I earnestly hope that we shall be saved from the worst of all calamities—internal divisions, contentions, and strifes. The great and leading object aimed at by me in Milledgeville, was to produce harmony on a right line of policy.

“If the worst comes to worst, as it may, and our State has to quit the Union, it is of the utmost importance that all our people should be united cordially in this course. This, I feel confident, can only be effected on the line of policy I indicated. But candor compels me to say that I am not without hopes that our rights may be maintained and our wrongs be redressed, in the Union. If this can be done, it is my earnest wish. I think, also, that it is the wish of a majority of our people. If, after making an effort, we shall fail, then all our people will be united in making or adopting the ‘*Ultima-ratio regum.*’

“Even in that case, I should look with great apprehension as to the ultimate result. When this Union is dissevered, if of necessity it must be, I see at present but little prospect of good government afterward. At the North, I feel confident anarchy will soon ensue; and whether we shall be better off at the South, will depend upon many things that I am not now satisfied that we have any assurance of. Revolutions are much easier started than controlled, and the men that begin them, even for the best purposes and objects, seldom end them.

“The American revolution of 1776 was one of the few excep-

tions to this remark, that the history of the world furnishes. Human passions are like the winds—when aroused they sweep every thing before them in their fury. The wise and the good who attempt to control them, will themselves most likely become the victims. This has been the history of the downfall of all republics. The selfish, the ambitious, and the bad, will generally take the lead. When the moderate men, who are patriotic, have gone as far as they think right and proper, and propose to reconstruct, there will be found a class below them, governed by no principle, but personal objects, who will be for pushing matters further and further, until those who sowed the wind will find that they have reaped the whirlwind.

“These are my serious apprehensions. They are founded upon the experience of the world and the philosophy of human nature, and no wise man should condemn them. To tear down and build up again, are very different things; and before tearing down even a bad government, we should first see a good prospect for a better. These are my views candidly given. If there is one sentiment in my breast stronger than all others, it is an earnest desire for the peace, prosperity, and happiness, which a wise and good government alone can secure. I have no object, wish, desire, or ambition beyond this; and if I should in any respect err in endeavoring to attain this object, it will be an error of the head and not the heart.”

“With great personal esteem and respect, I remain, yours truly,

“ALEXANDER H. STEPHENS.”

The following is the speech made by Mr. Stephens in the Georgia secession convention, which was contained in the newspaper slips inclosed to Mr. Glenn. It was made on Friday, January 18th, 1861; the resolutions of Mr. Nesbit, of Bibb, and Mr. Johnson, of Jefferson, being under consideration:—

“MR. PRESIDENT:—The motion of the honorable delegate from the county of Jefferson (Hon. H. V. Johnson) is, first to strike out the pending resolution offered by the honorable delegate from

Bibb county (Hon. C. A. Nesbit), and insert in lieu thereof the propositions he has submitted by way of substitute; and then, in the second place, to refer or commit both these propositions to a committee of twenty-one. The pending question is on the motion to refer to such committee. The object, I take it, is not to obstruct or delay the action of the convention; it is rather to present in the most direct manner a test question between those who are for immediate secession and those who prefer the adoption of some other remedy, looking to the redress of existing wrongs, in the Union and under the constitution, before taking this last resort. The first of the resolutions of the honorable delegate from Bibb—that one which is now under consideration—declares it to be the right and duty of the State to secede from the Union. It is true, this resolution as stated by the honorable mover, does not in express terms declare it to be the duty of the State to secede now, nor would it of itself commit any one who might vote for it, for immediate secession. But that is evidently the object of the resolution. It is to commit the State to immediate secession; and I am frank to say, that if we are to secede for existing causes, without any further effort to secure our rights under the constitution in the Union—if a majority of the convention have lost all hopes and look upon secession as the only remedy left—in my opinion the sooner we secede the better. Delay can effect no good. How this convention stands upon that question I do not know. Some claim a large majority for immediate and unconditional secession, while others think there is a majority still looking with hope to redress and conciliation. I am very desirous of having this point settled and put to rest in good feeling and harmony amongst ourselves by a test vote. My actions, hereafter, shall be influenced by that vote. If a majority express themselves for secession for existing causes, and without further effort, I shall forbear from pressing upon the consideration of this body any plan or measures, or even individual views or opinions, calculated to embarrass, obstruct, delay, or hinder speedy action upon the resolve of the majority. It could only tend to divide and distract our counsels, which ought, above every other consideration, to be harmonious in the final

result, if possible. It is well known that my judgment is against secession for existing causes. I have not lost hope of securing our rights in the Union and under the constitution. My judgment on this point is as unshaken as it was when the convention was called. I do not now intend to go into any arguments on the subject. No good could be effected by it. That was fully considered in the late canvass, and I doubt not every delegate's mind is made up upon the question. I have thought, and still think, that we should not take this extreme step before some positive aggression upon our rights by the general government, which may never occur; or failure after effort made to get a faithful performance of these constitutional obligations on the part of those Confederate States, which now stand so derelict in their plighted faith. I have been, and am still, opposed to secession as a remedy against anticipated aggressions on the part of the Federal Executive, or Congress. I have held, and do now hold, that the point of resistance should be the point of aggression. I would not anticipate. I would not be the first to strike.

Pardon me, Mr. President, for trespassing on your time but for a moment. I have ever believed, and do now believe, that it is to the interest of all the States to be and remain united under the constitution of the United States, with a faithful performance by each of all its constitutional obligations. If the Union could be maintained on this basis, and on these principles, I think it would be the best for the security, the liberty, happiness, and common prosperity of all. I do further feel confident, if Georgia would now stand firm and united with the border States, as they are called, in an effort to obtain a redress of these grievances on the part of some of their Northern confederates, whereof they have such just cause to complain, that complete success would attend their efforts; our just and reasonable demands would be granted. In this opinion I may be mistaken, but I feel almost as confident of it as I do of my existence. Thence, if upon this test vote, which I trust will be made upon the motion now pending, to refer both the propositions before us to a committee of twenty-one, a majority shall vote to commit them, then I shall do all I can to perfect the plan of united southern co-operation, submitted by

the honorable delegate from Jefferson, and put it in such a shape as will in the opinion of the convention best secure its object. That object, as I understand it, does not look to secession by the 16th of February or the 4th of March, if redress should not be obtained by that time. In my opinion it cannot be obtained by the 16th of February, or even the 4th of March. But by the 16th of February we can see whether the border States and other non-seceding Southern States will respond to our call for the proposed congress or convention at Atlanta. If they do, as I trust they may, then that body, so composed of representatives by delegates and commissioners as contemplated, from the whole of the slaveholding States, could, and would I doubt not, adopt either our plan or some other, which would fully secure our rights with ample guarantees, and thus preserve and maintain the ultimate peace and union of the country. Whatever plan of peaceful adjustment might be adopted by such a Congress, I feel confident would be acceded to by the people of every Northern State. This would not be done in a month, or two months, or perhaps short of twelve months. Time would necessarily have to be allowed for a consideration of the question submitted to the people of the Northern States, and for their deliberate action on them in view of all their interests, present and future. How long a time should be allowed, would be a proper question for that Congress to determine. Meanwhile, this convention could continue its existence, by adjourning over to hear and decide upon the ultimate result of this patriotic effort.

“This is but a sketch, an outline of the policy, I shall favor and endeavor to get adopted, Mr. President, if upon the test vote it shall be found that a majority are not in favor of secession for existing causes, and without further efforts in the way of procuring an adjustment. If, however, on the test vote, a majority shall be against the line of policy I indicate, then, sir, upon the point of immediate secession, or a postponement to some future day between this and the 4th of March, I am clearly of the opinion that no good can come from any such delay or postponement. It is futile and delusive to indulge in any hope of the present Congress doing any thing, or of any redress of wrongs

being effected before the 4th of March next; that I look upon as impossible. And, as I said before, if a majority are for secession for existing causes, then the sooner we secede the better.

“If that is the line of policy to be adopted between this and the 4th of March, whatever is to be done, ‘if it were well done, when it is done, ’twere well that it were done quickly.’ This is my view on that point.

“My judgment, as is well known, is against the policy. It cannot receive the sanction of my vote; but if the judgment of a majority of this convention, embodying as it does the sovereignty of Georgia, be against mine; if a majority of the delegates in this convention shall by their votes dissolve the compact of Union which has connected her so long with her confederate States, and to which I have been so ardently attached, and have made such efforts to continue and perpetuate upon the principles on which it was founded, I shall bow in submission to that decision. I have looked, and do look upon our present government as the best in the world. This with me is a strong conviction. I have acted upon it as a great truth. But another great truth also presents itself to my mind, and that is this, that no government is a good one for any people who do not so consider it. The wisdom of all governments consists mainly in their adaptation to the habits, the tastes, the feelings, wants, and affections of the people. The best system of government for our people might be the worst for another. If, therefore, the deliberate judgment of the sovereignty of Georgia shall be pronounced that our present government is a bad one, and shall be changed for some other better suited to our people, more promotive of our peace, security, happiness, and prosperity, while my individual judgment shall be recorded against it, yet my action shall conform to the decision made. Nay, more sir, the cause of the State shall be my cause; her destiny shall be my destiny. To her support, defence, and maintenance, all that I have and am shall be pledged. And however widely we of this convention, as well as the people of the State may have differed, or may now differ to the proper line of policy to be pursued at this juncture, I trust there will be but one feeling, and one sentiment here, and throughout our limits, after

the line of policy shall be adopted, let that be what it may. The cause of Georgia, whether for weal or woe, must and will be the cause of us all. Her safety, rights, interests, and honor, whatever fortunes await her, must and will be cherished in all our hearts, and defended if need be by all our hands."

This is the only speech Mr. Stephens made in that convention on the subject of secession.

We also state in this connection, that a speech, purporting to have been made by Mr. Stephens in the State convention on the secession debate, is an entire fabrication. It was published and extensively circulated in the North, and used there as a campaign document in the fall of 1864. It is quoted from in the notes of one of the northern pictorial histories of the war, perhaps in others. No such speech was made by him. What he did say on this subject before the legislature is given in this volume, and what he said in the convention we have just given.

It is said of Queen Mary the First, of England, that grieving for the loss, she said when she died the word *Calais* would be found engraven on her heart. Mr. Stephens' heart should be marked—THE CONSTITUTION.

Two days after the serenade speech, on Monday, February 11th, 1861, the anniversary of his birthday, at the age of forty-nine, he was inaugurated Vice-President.

After the Provisional Government was organized, Mr. Stephens returned to Georgia, and met his State convention, then re-assembled in Savannah. He then made what is called his "*Corner stone*" speech, which was delivered at the Athenæum, March 21st. It is due to Mr. Stephens to state, as we have once before done, that the speech was impromptu and not reported with great accuracy.

Having been appointed a commissioner, he, on the 22d of April, 1861, delivered the able address to the Virginia State convention, that resulted in allying that State with the Confederacy. The speech, and the convention entered into (drawn up by him), that followed it, we give in full in their place.

Immediately on his return from the Virginia convention, being well satisfied himself that the war would be a desperate one, he exerted all his power to make that impression on the President, Cabinet, and Congress. He did not concur in Mr. Memminger's policy of a produce (or cotton) loan, which was for the planters to contribute cotton, tobacco, etc., under an obligation to sell it, and turn over the proceeds to the government, as a loan. He urged the policy of the government buying the cotton and giving eight per cent. bonds for it at once.

It is true, that after the adoption of Mr. Memminger's plan by the Provisional Government, he canvassed various portions of the State—stating that the administration plan was not such as met his approval, but was in hope that by the time Congress met in Richmond, that plan would be abandoned, and the other, which he set forth as a better *policy*, would be adopted. The change would not affect contributors to the loan, injuriously, but rather, if made, be advantageous to them. In a subsequent speech, at Crawfordville, November 1st, 1862, which is in this volume, his views on this subject were given at large. In canvassing for the "cotton loan," in 1861, he had urged all reporters of his speeches to make no allusion to his views on the right policy of the government in relation to *cotton*, and the public report of his speech, in 1862, was allowed by him only in self-vindication against newspaper assaults. The plan of Mr. Stephens was never adopted. It is now conceded by many who differed with him then, that his policy was not only the right one to have pursued, but might have changed the result of the war.

VII.

VIEWS ON PUBLIC POLICY AND COURSE DURING
THE WAR.

COTTON LOAN—MARTIAL LAW—CONSCRIPTION—IMPRESSMENTS
—HABEAS CORPUS SUSPENSION—EFFORTS FOR PEACE—THE
TWO BROTHERS—HAMPTON ROADS CONFERENCE.

SOON after the inauguration of the permanent government, Mr. Stephens found himself differing very essentially on other great questions of public policy from the Richmond authorities. In September, 1862, appeared his letter to Mayor Calhoun, of Atlanta, Georgia, upon the subject of martial law. Though short, it is one of the ablest productions of his life. It created quite a sensation at Richmond and throughout the country.

In the summer of 1863, Mr. Stephens made his well-known attempts at negotiation with the authorities at Washington. The ostensible object was the renewal of the *cartel* for the exchange of prisoners, which was then suspended. But it is generally understood, that he had objects ulterior to this. That in the discussions growing out of the exchange of prisoners, the field might be opened up for a general review of the nature, aims, and objects of the war, which might elicit something, at least, which might form the basis of a settlement of the points in controversy between the States, without the further effusion of blood. The principle to which he looked as the basis of such an adjustment, was the acknowledgment of the ultimate sovereignty of the separate States under our system of government.

The time he made the proffer of his services with this view, was not long after the great victory of General Lee at Chan-

cellorsville, when there were strong indications of a general peace feeling at the North. The time for such an overture he then thought propitious. The time when he was *sent* on the mission, was after General Lee had removed his army into Pennsylvania, and just before the fall of Vicksburg. The attempted mission at that time he thought inopportune, but undertook it. The result is history. The battle of Gettysburg occurred before he reached Newport News. After some detention, he was refused permission to proceed to Washington. He returned to Georgia.

It was generally known, from an early period of the war, that Mr. Stephens differed from the policy on which it was conducted, no less than he had done from that which inaugurated it. His own opinions on these points were uniformly maintained by him with perfect frankness and manliness, in his communications with the Confederate authorities, who were completely possessed of his views, and in all oral and written expressions of opinion during the progress of the war. It is important to remark, however, that he never allowed his own opinions to lead him into the organization of a party opposition, for he believed, and often said, that such an opposition would be productive of mischief, and that the only mode of effecting any salutary change of measures, was by impressing sound and true views upon those who had official charge of the cause. Hence he always maintained friendly relations with all those in public authority; and when convinced that they could not be induced to carry out his views concerning vital points, he withdrew himself as much as possible from participating in the administration of a policy which he did not approve. To give some insight into his peculiar views, we deem it proper to publish some of his written expressions of them contemporaneous with the events and policy to which they relate; and for this purpose, and this only, we are permitted to give to the public, for the first time, the two following communications. The first of these will be better understood

from preceding it with the letter to which it is a reply. This preceding letter is therefore also given, but the name of the author is omitted.

————— "*August 24th, 1863.*"

"HON. A. H. STEPHENS.

"MY DEAR SIR:—I have many misgivings as to the propriety of troubling you with a letter, because I am aware that your public duties require the whole of your attention; but, as the situation of the country demands the aid of every faithful man in it, perhaps you will not deem it altogether improper in me to submit some reflections to your consideration. You will understand me, in all that I may say, to be the unflinching friend and supporter of the administration and its policy; so much so, that my personal service, as well as my fortune, are at the disposal of the government, to be used in any way that will best promote the interest of the country. To be more explicit, I have from the beginning approved heartily of the election of President Davis and yourself, as the first and second officers of the government; and believe that the resources of the country could not have been better employed, in its defence, than they have been. I declare myself ready to go to the *end of the world*, and encounter any hazard, in order to serve the country. Nothing would gratify me more than to be charged with despatches to our foreign agents, for I am of opinion—pardon the presumption—that I could be of some benefit to the country, were I in Europe.

"But, to the principal object of this letter—the plan that I would suggest. No plan or scheme would be worthy of consideration that does not look to the present and future condition of the country. The prospect of the country is bad enough, you will allow, and its future, I think, if things are not changed, will be worse. You must not understand me as being discouraged in the slightest manner as to our ultimate success. On the contrary, I believe that there is too much of justice in our cause, for God to permit us to be overcome by Yankees, or others. The plan is, first: let the President be proclaimed Dictator for a specified length of time, and the Vice-President his successor, should it become necessary. Secondly: Propose to England and France

exclusive commercial privileges with our country for a given number of years, provided they will, by force or otherwise, procure peace to be proclaimed between us and the Yankees, on the basis of our country's independence. I cannot, in submitting the above plan, suggest so much as the principal reasons in its favor; that can only be done by a personal interview. Now, if you deem this plan, or any feature of it, of sufficient importance to authorize its discussion, I should be glad to see you at a place and time when it may be convenient. M—— would suit me best.

“With high regard, I am your friend, etc.,” *****

“CRAWFORDVILLE, GA., 29th August, 1863.

“DEAR SIR:—Your letter of the 24th inst. is before me. I should like very much to see you and talk over some matters alluded to in it—such, for instance, as treaties with England or France, or both, on which points, perhaps, after an interchange of views, we might not disagree entirely, and if you could make it suit your convenience to come and pay me a visit, I should be glad to see you. I cannot go to M——, and indeed cannot leave home without great inconvenience. But you must permit me to say to you, with perfect freedom and frankness, that I disagree with you totally on almost every other point in your letter. I am utterly opposed to every thing looking or tending to a dictatorship in this country.) No language at my command could give utterance to my inexpressible repugnance at the very suggestion of such a lamentable catastrophe! There is no man living that I would confide such powers in, and not one of the illustrious dead, whom, if now living, would I so trust. Constitutional liberty can be achieved and secured only by maintaining and defending written and well defined limitations on the powers of all who are in authority. Such are the limitations in our constitution. That chart of our liberties was made for war as well as for peace. Our first, chief, and controlling object in every “plan” or act, should be to maintain the constitution. Secession was resorted to as the only means to preserve the principles of the constitution inviolate. Independence, based upon the recognized sovereignty of the separate States, is certainly a great object with

us, but even this is, and should be, ever held subordinate to the maintenance of the constitution; for independence was resorted to mainly for the purpose, and with the view to secure our rights under the constitution. Nothing could be more unwise than for any free people, at any time, under any circumstances, to give up their rights under the vain hope and miserable delusion that they might thereby be enabled to defend them.

“In a like spirit of frankness, you will pardon me for saying that I do not agree with you in the belief that the resources of the country could not have been better employed in its defence than they have been. It is not my purpose now, or at any time, to arraign the policy of the administration. I doubt not those at the head of our affairs are, and have been, actuated in what they are doing and have done, by the most patriotic motives. I mean only to express to you my dissent from your hearty approval of that policy. On the contrary, that policy does not meet with my approval, as developed, either in the military, financial, legislative, or diplomatic departments of government. Its conscription, its ignoring State sovereignty and the rights of the citizen soldiers in the appointment of officers, its impressments and seizures, its system of passports and provost-m Marshals—its continued issues of paper money, without timely taxation or other steps to prevent depreciation, and its utter neglect of cotton, our greatest element of power, when it could have been of incalculable value to us—to say nothing of other matters—are all wrong, radically wrong in my judgment, both in principle and policy. Under this general system it will with us be a simple question of how much political *quackery* we have strength of constitution to bear and yet survive. But again I must ask you to excuse the freedom with which I speak. It is with the same frankness with which you wrote, and I trust you will receive it in the same spirit. Neither my time nor space will allow me to say any more, except to repeat, in conclusion, that I should be glad to see you at my house if you can come.

“Yours, most respectfully, ALEXANDER H. STEPHENS.”

The other communication referred to, is a letter written by

Mr. Stephens to Professor Richard M. Johnson, of the Rockby Institute, Hancock county, Georgia; and it gives still further glimpses into the inner man, and his most private feelings and views at this time, (as well as through the whole scenes of the past five years,) which throw much light upon his public conduct during that period. The letter was written on the 6th day of November, 1863. It is a very long one, and we give only such parts of it as are pertinent to our present object, omitting names therein mentioned.

After copying a private letter which he had written on the 1st of January, 1861, the day previous to the election of members to the secession convention of the State, and which letter was on the same line as his speech of November 14th, 1861, at Milledgeville, Mr. Stephens, in his letter to Professor Johnston, proceeds as follows:

“From that you can form some general ideas of my views and feelings about secession at the beginning. My opinions have undergone no material change since. Sometimes I have seen gleams of hope, which at other times have been clouded and darkened again. I yielded to it, wishing and desiring, and using the utmost of my exertions for the best, while all along I have been and am still prepared for the worst. The greatest difficulty I apprehended at the first, was the want of men of the right stamp, men of intellect, ability, integrity, purity, patriotism, and statesmanship. This, I think, is the greatest difficulty with us now. We have resources in abundance, if properly wielded, to achieve, secure, and establish independence. I have had, and now have, no fears or apprehensions on that score. We are very far from being conquered yet. It is true our reverses have been severe and great of late. But we have not yet been struck in any vital part. I looked for the invasion of our country. The superior numbers of the enemy made this almost certain. But invasions, while they do great harm, destroy vast amounts of property, and cause a vast deal of suffering, do but little toward conquering a people who are determined never to submit. I am not at all,

therefore, disheartened—more so, I mean, than I was at the beginning, because of the late inroads of the enemy. I shall not be, even if their armies penetrate and pass through Georgia, Alabama, South Carolina, North Carolina, and Virginia, as they have done in Kentucky, Tennessee, and Mississippi. We have not yet reached the period that tries men's souls—that ordeal is still ahead of us. Other matters give me more concern than the fall of Vicksburg, or the repulse at Gettysburg. One of these is a growing disposition amongst the people to disregard principles, to forget or pay no attention to the landmarks of public liberty. The idea is beginning to prevail, that the constitution is nothing. Some go further, and intimate that we are in need of a stronger government. Now, this causes me more apprehension than all other things combined.” * * *

In reply to a previous inquiry about the writer of the letter proposing a dictatorship, which we gave just before this, and whether Mr. Stephens thought there was any regularly organized combination of men in this country for such a purpose, he goes on in the letter before us to say :

“If there is any, I am not aware of it. This is the only communication that has ever been made to me upon the subject. The writer is a man of age, of experience, position, and distinction, well known by reputation throughout the country, though he holds no official position. I do not attach any importance to it, further than it is a bare indication of the public mind. Man is a strange being. Opinions and sentiments, like many diseases, are epidemic. As one is affected, others are affected—strangely and mysteriously. We cannot account for it. As this man's mind is running, other men's minds are running, even without any concert of action or interchange of views at first. I have every reason to believe he is a clever, well-disposed gentleman himself in his way. I have no idea he is in any combination. But I have heard such sentiments in so many quarters in conversation—not exactly the same, but on the same line, and tending to a similar end—that I feel deep concern on that point. Some of

the newspapers—the *Richmond Enquirer*, for instance—have openly proclaimed sentiments of like character. This shows a general disorder in the public mind. What men think about and talk about, they easily and readily get in a condition to do, however revolting it may be to them at first. So with all errors poor frail human nature is liable to. We are, I assure you, sir, in great danger on this point. The North has already run into a complete despotism. This has not disappointed me; and if I felt certain, or had assurance that we would not pursue the same course, I should feel easier and less depressed. This has been the usual course and fate of republics. This is what I think European powers are looking for and expecting. They have no real sympathy either for the North or the South. They are rejoiced to see professed republicans cutting each others' throats; and when both sides are exhausted and reduced to despotism, which result they are anxiously anticipating, then they will willingly, perhaps, step in and stop the further effusion of blood, in exultation at the end of the experiment of self-government by man. Besides this feeling, I think England has one collateral idea—it is not a leading one, but one that has some influence in her action—and that is, a desire, in the general melee of the war, that African slavery may be so crippled as to receive its death-blow in the struggle. * * * *

There is less prospect for intervention, or alliance with either of these powers (England and France) than there was at first. When we organized the government at Montgomery, I was very anxious to send commissioners immediately and directly to Louis Napoleon. I expected more from him than from the ministry in England. I thought that he might at that time be induced to form an alliance on the basis of a favorable treaty which would have been mutually advantageous to both parties. But my views did not prevail. The commissioners were sent first to England, and by the time they got to France they found the door closed. England had anticipated such an offer, and had 'headed it' by herself entering into an agreement or convention with France, that these two powers should act in conjunction on the American question—that neither would act without the

other. And such are still our foreign or European relations. As to 'what is to be the end of it?' I do not know. More depends upon the *virtue* of our people and wisdom of our rulers than upon any thing else. All things human are uncertain. We have a terrible ordeal before us. If we can pass this fiery crucible and come out pure metal, all may end well. Misfortunes, trials, and adversities, are crucibles—terrible crucibles—which prove the metal of men singly and in bodies. Adversity is never negative—it is always positive. It is a tremendous, active power. It develops either virtue or vice; it ennobles or degrades; it brings out either good qualities or bad qualities, as they exist. It is the test of greatness of soul, or the littleness of spirit. This is true of the individual man, and the aggregation of men. This test we have got to stand. And while, as I have said, I hope and wish for the best, I am prepared for the worst. I have great confidence in the mass of our people, much more than I have in their leaders."

* * * * *

In answer to a question, "Do you see no way to end the war, no prospect of peace?" Mr. Stephens goes on thus to reply:—

"None at all, none at least that is practicable. There is a way for peace, easy and short, if it could be adopted. It is as simple as the utterance of a word—and that is the recognition of the sovereignty of the States. With this on the part of the northern government, the troubled waters would instantly subside. But I see no prospect for this. Indeed, had not that government violated this fundamental principle of American constitutional liberty, there would have been no war. The southern States would have seceded. And if they had found that it was to their interest to remain to themselves, would have done so, and ought to have done so—and if they had found that it was to their interest to be in union with their former confederates on the basis of the old compact, the reunion would have taken place voluntarily and peaceably, as it was at first effected. My own opinion was, and still is, that it was better for all the States to remain in

union under the constitution, each performing faithfully its obligations under that instrument. The only open and avowed breach of this was on the part of those northern States alluded to in my letter (the letter of 1st January, 1861). Now these States have, or had, as much interest in the union as any others. And if the true theory and principle of our government—the sovereignty of the separate States—had only been acted on, these derelict States, in my opinion, would soon have been brought to a proper consideration of their duty and obligations. They would have changed their policy. They would have returned to their duty. The door then would have been opened for the injured States to adjust their relations with them according to their interests, the universal law of national action.* If it had been to their interest to reunite, they would have done it, and if not, they would not. My opinion is, that it would have been to their interest to reunite,

* Mr. Stephens' idea here expressed does not seem to have been very dissimilar to the views of John Quincy Adams, in his address before the Historical Society of New York, in 1839. In that address he said, "With these qualifications we may admit the same right as vested in the people of every State in the Union, with reference to the general government, which was exercised by the people of the united colonies with reference to the supreme head of the British Empire, of which they formed a part; and under these limitations have the people of each State in the Union a right to secede from the Confederated Union itself. Here stands the right. But the indissoluble union between the several States of this confederated nation is, after all, not in the *right* but in the *heart*. If the day should ever come, (may heaven avert it,) when the affections of the people of these States shall be alienated from each other; when the fraternal spirit shall give way to cold indifference, or collision of interest shall fester into hatred, the bands of political asseveration will not long hold together parties no longer attached by the magnetism of conciliated interests and kindly sympathies; and far better will it be for the people of the dis-United States, to part in friendship from each other, than to be held together by constraint; then will be the time for reverting to the precedents which occurred at the formation and adoption of the constitution, to form again a more perfect Union by dissolving that which could no longer bind and to leave the separated parts to be reunited by the law of political gravitation to the centre."

and all to move on peaceably and harmoniously as before. I know others differ from me in this opinion. Still it is my opinion. And if the northern government would now return to this first principle—acknowledge the sovereignty of the States—the rights of each for itself, to determine its own destiny, freely and voluntarily, the war would instantly cease, and the great law of nature governing the question of the proper union of States, would ultimately—how long first I know not—work its results, whatever they might be. But you might as well sing psalms to a dead horse, I fear, as to preach such doctrines to Mr. Lincoln, and those who control that government, at this time. If we ever have peace on this line, it will be when other men are brought into power there. Our policy should be to bring such men into power there, if we can. There are such men there—State Rights and State Sovereignty men of the Jefferson school. One of the greatest blunders of our government, diplomatically, I think has been in not backing, aiding, and assisting in all ways possible, men of their school. * * * Now so far from backing men of this class, it seems that our government has done all that it could to cripple and destroy them. The invasion of Pennsylvania and Morgan's raid in Ohio, to say nothing of the general denunciation and abuse of the 'Copperheads,' as they were styled, by our leading papers, did more to defeat the peace movement than Mr. Lincoln, with all his power and influence, did or could have done. The ghost that haunts these men's brains, is the fear of 'reconstruction.' Not being satisfied to let all things adjust themselves, according to nature and the interests of the people under the principles of State Rights—State Sovereignty, and the rights of self-government on the part of the people. This has been a great error, I think, on our side. The error, however, on the other side, has been vastly more serious. The course of Mr. Lincoln from the beginning—from his inauguration—has been at war with every principle of the constitution. He claims the right to coerce seceding States. He denies the sovereignty of the States. He ignores the foundation principle upon which the whole system of government rests; to wit, the consent of the governed—the consent of the people of the States, acting in their organized State character and capaci-

ties respectively. He, by force of arms, attempts to compel a return to what he calls allegiance to the constitution. This, too, in the face of the fact of the open and avowed violation of their constitutional pledges on the part of those northern States alluded to, all of which gave him a cordial support. The Union must be preserved. The South must be forced back to her constitutional duty at all costs and all hazards, but not a word has he ever uttered against those northern States in open rebellion against one of the most important provisions of the constitution—one at least without which it is well known the constitution could never have been adopted, and the Union never would have been formed. He has never even intimated a desire that these States should return to their constitutional duty and allegiance, while all the power of the government is resorted to to compel us to do so./* * * We have fallen upon evil times. What is to be the end, I know not.”

Mr. Stephens' address before the General Assembly of the State of Georgia, March 16th, 1864, is one of the great efforts of his life, and a full review of some of those executive and congressional errors that, in his opinion, wrecked and destroyed the confederate government. Our people were literally “patient of toil, serene amidst alarms, inflexible in faith, invincible in arms;” but the ship of empire went to pieces from the unskillfulness of the pilots. We give the closing words of that oration:—

“What fate or fortune awaits you or me, in the contingencies of the times, is unknown to us all. We may meet again, or we may not. But as a parting remembrance, a lasting *memento*, to be engraven on your memories and your hearts, I warn you against that most insidious enemy which approaches with her syren song, ‘independence first, and liberty afterward.’ It is a fatal delusion. Liberty is the animating spirit, the soul of our system of government; and like the soul of man, when once lost it is lost forever. There is for it no redemption, except through blood. Never for a moment permit yourselves to look upon liberty, that constitutional liberty which you inherited as a birth-

right, as subordinate to independence. The one was resorted to, to secure the other. Let them ever be held and cherished as objects co-ordinate, co-existent, co-equal, coeval, and forever inseparable. Let them stand together 'through weal and through woe,' and if such be our fate, let them and us all go down together in a common ruin. Without liberty, I would not turn upon my heel for independence. I scorn all independence which does not secure liberty. I warn you also against another fatal delusion, commonly dressed up in the fascinating language of, 'if we are to have a master, who would not prefer to have a southern one to a northern one?' Use no such language. Countenance none such. Evil communications are as corrupting in politics as in morals.

"Vice is a monster of such hideous mien,
That to be hated, needs but to be seen.
But seen too oft, familiar with her face,
We first endure, then pity, then embrace."

"I would not turn upon my heel to choose between masters. I was not born to acknowledge a master from either the North or South. I shall never choose between candidates for that office. I shall never degrade the right of suffrage in such an election. I have no wish or desire to live after the degradation of my country, and have no intention to survive its liberties, if life be the necessary sacrifice of their maintenance to the utmost of my ability, to the bitter end. As for myself, give me liberty as secured in the constitution with all its guarantees, amongst which is the sovereignty of Georgia, or give me death. This is my motto while living, and I want no better epitaph when I am dead.

"Senators and representatives, the honor, the rights, the dignity, the glory of Georgia, are in your hands. See to it as faithful sentinels upon the watchtower, that no harm or detriment come to any of those high and sacred trusts, while committed to your charge."

Mr. Stephens was bitterly assailed by the organs of the Richmond government, for this speech. The *Southern Con-*

federacy, a high-toned journal, then published in the city of Atlanta, Georgia, thus speaks of the manner and matter of his adversaries :

“They will quite forget, in the excess of their fine frenzy, that Mr. Stephens is the second individual in our government ; that if one man dies, he is our chief ; that he has staked his all upon the result, and is as deep in the mud, if we fail, as Mr. Davis can be in the mire ; but above all, will they forget that he is the wisest man living to-day under the confederate sun. He is a person, in the first place, of an enlightened understanding. He adds to a fine intellect by nature, the cultivation of earnest inquiry and long experience. He has been a brilliant actor in public affairs, as well as a close student in his own library. His perceptions are clear ; his vision far-sighted ; his disposition temperate. No man but a fool can doubt the loyalty of his nature to fixed principles, for, as a citizen and a statesman, he is a man of integrity. He seems to have made the science of government a system of profound research, the good of his people his chief purpose ; and, since the advent of the revolution, the success of our cause the aim of his existence. Had his counsels prevailed, we would have had peace this day. There is no sort of question of it ; for they would have given us an army at the start, and both a financial and diplomatic system throughout the war. The modest bearing, the earnest truths, the calm good sense, the sagacious hints, the eloquent pictures and appeals, which gleam among the sturdy issues presented in his late speech, cannot fail to find the heart of all who read them ; and he who rises from the perusal of that document, and has the bigotry to prate about what is called the ‘Georgia Platform,’ proclaims himself as unfit to enjoy a free country as he is to talk politics.”

That speech was made upon two sets of resolutions then pending before the legislature. The one known as the *Habeas Corpus Resolutions*, the other as the *Peace Resolutions*. They were drawn up and presented by Hon. Linton Stephens, and although without any consultation with his more widely

known brother, show the perfect coincidence of thought between them, as well as his very great ability as a jurist, legislator, and statesman. The resolutions upon the *Habeas Corpus*, upon which the speech was mainly made, may well lay claim to the position in the parliamentary history of Georgia, that the celebrated resolutions of Virginia in 1798 and 1799 do in the history of that renowned commonwealth. They are as follows :—

“ *The General Assembly of the State of Georgia do resolve, 1st.* That under the constitution of the Confederate States, there is no power to suspend the privilege of the writ of *habeas corpus*, but in a manner and to an extent, regulated and limited by the express, emphatic, and unqualified constitutional prohibitions, that ‘No person shall be deprived of life, liberty, or property, without due process of law,’ and that ‘The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the places to be searched, and the persons or things to be seized.’ And this conclusion results from the two following reasons: First, because the power to suspend the writ, is derived not from express delegation, but only from implication, which must always yield to express, conflicting, and restricting words. Second, because this power being found nowhere in the constitution, but in words which are copied from the original constitution of the United States, as adopted in 1787, must yield in all points of conflict to the subsequent amendments of 1789, which are also copied into our present constitution, and which contain the prohibitions above quoted, and were adopted with the declared purpose of adding further declaratory and restrictive clauses.

“2d. That ‘due process of law’ for seizing the persons of the people, as defined by the constitution itself, is a warrant issued upon probable cause, supported by oath or affirmation, and particularly describing the persons to be seized; and the issuing of such warrants, being the exertion of a judicial power, is, if done by

any branch of the government except the judiciary, a plain violation of that provision of the constitution, which vests the judicial power in the courts alone; and, therefore, all seizures of the persons of the people, by any officer of the confederate government, without warrant, and all warrants for that purpose, from any but a judicial source, are, in the judgment of this general assembly unreasonable and unconstitutional.

"3d. That the recent act of Congress to suspend the privilege of the writ of *habeas corpus* in cases of arrests ordered by the President, Secretary of War, or general officer commanding the Trans-Mississippi Military Department, is an attempt to sustain the military authority in the exercise of the constitutional, judicial function of issuing warrants, and to give validity to unconstitutional seizures of the persons of the people; and as the said Act, by its express terms, confines its operation to the upholding of this class of unconstitutional seizures, the whole suspension attempted to be authorized by it, and the whole act itself, in the judgment of this general assembly, are unconstitutional.

"4th. That in the judgment of this general assembly, the said Act is a dangerous assault upon the constitutional power of the courts, and upon the liberty of the people, and beyond the power of any possible necessity to justify it; and while our senators and representatives in Congress are earnestly urged to take the first possible opportunity to have it repealed, we refer the question of its validity to the courts, with the hope that the people and the military authorities will abide by the decision.

"5th. That as constitutional liberty is the sole object which our people and our noble army have, in our present terrible struggle with the government of Mr. Lincoln, so also is a faithful adherence to it, on the part of our own government, through good fortune in arms, and through bad, one of the great elements of our strength and final success; because the constant contrast of constitutional government on our part with the usurpations and tyrannies, which characterize the government of our enemy, under the ever recurring and ever false plea of the necessities of war, will have the double effect of animating our people with an unconquerable zeal, and of inspiring the people of the North more and

more, with a desire and determination to put an end to a contest which is waged by their government openly against *our* liberty, and as truly, but more covertly against their own."

The peace resolutions are the same referred to subsequently in the letter to Messrs. Scott and others, September, 1864. They are as follows :

"*The General Assembly of the State of Georgia do resolve,*
1st. That to secure the rights of life, liberty, and the pursuit of happiness, 'governments were instituted among men, deriving their just powers from the consent of the governed ; that whenever any form becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as shall seem to them most likely to effect their safety and happiness.'

"2d. That the best possible commentary upon this grand text of our fathers of 1776, is their accompanying action, which it was put forth to justify ; and that action was the immortal declaration that the former political connection between the colonies and the State of Great Britain was dissolved, and the thirteen colonies were, and of right ought to be, not one independent State, but thirteen independent States, each of them being such a 'people' as had the right, whenever they chose to exercise it, to separate themselves from a political association and government of their former choice, and institute a new government to suit themselves.

"3d. That if Rhode Island, with her meagre elements of nationality, was such a 'people' in 1776, when her separation from the government and people of Great Britain took place, much more was Georgia, and each of the other seceding States, with their large territories, populations, and resources, such a 'people,' and entitled to exercise the same right in 1861, when they declared their separation from the government and the people of the United States ; and if the separation was rightful in the first case, it was more clearly so in the last, the right depending, as it does in the case of every 'people' for whom it is claimed, simply

upon their fitness and their will to constitute an independent State.

"4th. That this right was perfect in each of the States, to be exercised by her at her own pleasure, without challenge or resistance from any other power whatsoever; and while these Southern States had long had reason enough to justify its assertion against some of their faithless associates, yet, remembering the dictate of 'prudence,' that 'governments long established should not be changed for light and transient causes,' they forbore a resort to its exercise, until numbers of the northern States, State after State, through a series of years, and by studied legislation, had arrayed themselves in open hostility against an acknowledged provision of the constitution, and at last succeeded in the election of a President who was the avowed exponent and executioner of their faithless designs against the constitutional rights of their southern sisters; rights which had been often adjudicated by the courts, and which were never denied by the abolitionists themselves, but upon the ground that the constitution itself was void whenever it came in conflict with a 'higher law,' which they could not find among the laws of God, and which depended for its exposition solely upon the elastic consciences of rancorous partisans. The constitution thus broken, and deliberately and persistently repudiated by several of the States who were parties to it, ceased, according to universal law, to be binding on any of the rest, and those States who had been wronged by the breach were justified in using their right to provide 'new guards for their future security.'

"5th. That the reasons which justified the separation when it took place, have been vindicated and enhanced in force by the subsequent course of the government of Mr. Lincoln—by his contemptuous rejection of the confederate commissioners who were sent to Washington before the war, to settle all matters of difference without a resort to arms; thus evincing his determination to have war—by his armed occupation of the territory of the Confederate States—and especially by his treacherous attempt to reinforce his garrisons in their midst, after they had, in pursuance of their right, withdrawn their people and territory from the

jurisdiction of his government; thus rendering war a necessity, and actually inaugurating the present lamentable war—by his official denunciation of the Confederate States as ‘rebels’ and ‘disloyal’ States, for their rightful withdrawal from their faithless associate States, whilst no word of censure has ever fallen from him against those faithless States who were truly ‘disloyal’ to the Union and the constitution, which was the only cement to the Union, and who were the true authors of all the wrong and all the mischief of the separation, thus insulting the innocent by charging upon them the crimes of his own guilty allies—and finally, by his monstrous usurpations of power and undisguised repudiation of the constitution, and his mocking scheme of securing a *republican* form of government to sovereign States by putting nine tenths of the people under the dominion of one tenth, who may be abject enough to swear allegiance to his usurpation, thus betraying his design to subvert true constitutional republicanism in the North as well as the South.

“6th. That while we regard the present war between these Confederate States and the United States as a huge crime, whose beginning and continuance are justly chargeable to the government of our enemy, yet we do not hesitate to affirm that, if our own government, and the people of both governments, would avoid all participation in the guilt of its continuance, it becomes all of them, on all proper occasions, and in all proper ways—the people acting through their State organizations and popular assemblies, and our government through its appropriate departments—to use their earnest efforts to put an end to this unnatural, unchristian, and savage work of carnage and havoc. And to this end we earnestly recommend that our government, immediately after signal successes of our arms, and on other occasions, when none can impute its action to alarm, instead of a sincere desire for peace, shall make to the government of our enemy an official offer of peace, on the basis of the great principle declared by our common fathers in 1776, accompanied by the distinct expression of a willingness on our part to follow that principle to its true logical consequences, by agreeing that any border State, whose preference for our association may be

doubted (doubts having been expressed as to the wishes of the border States), shall settle the question for herself, by a convention to be elected for that purpose, after the withdrawal of all military forces, of both sides, from her limits.

“7th. That we believe this course, on the part of our government, would constantly weaken, and sooner or later break down the war power of our enemy, by showing to his people the justice of our cause, our willingness to make peace on the principles of 1776, and the shoulders on which rests the responsibility for the continuance of the unnatural strife; that it would be hailed by our people and citizen-soldiery, who are bearing the brunt of the war, as an assurance that peace will not be unnecessarily delayed, nor their sufferings unnecessarily prolonged; and that it would be regretted by nobody, on either side, except men whose importance or whose gains would be diminished by peace, and men whose ambitious designs would need cover under the ever-recurring plea of the necessities of war.

“8th. That while the foregoing is an expression of the sentiments of this general assembly respecting the manner in which peace should be sought, we renew our pledges of the resources and power of this State to the prosecution of the war, defensive on our part, until peace is obtained upon just and honorable terms, and until the independence and nationality of the Confederate States is established upon a permanent and enduring basis.”

These resolutions, as we have said, were drawn up and submitted to the legislature by Hon. Linton Stephens, then member of that body, without any concert with his brother.

It may be proper to add, however, that the last one was not in the original series proposed and presented by him. It was offered as an amendment to his, and adopted by the House. •

There is something so remarkable about these two brothers, that we may be indulged in a short digression on the subject. In their physical development, there is not the slightest trace of resemblance, nor any in their temperaments; yet their mental constitutions seem to be of the same type, while their inner souls have a congeniality and affinity rarely to be met

with. The elder, Alexander, eleven years the senior, became the guardian of the junior, Linton, in 1837. On taking control of his education, he put him at once under one of the ablest instructors in this State. That younger brother was fitted for college in 1839, and entered the Freshmen class in the State University in August of that year. He graduated in 1843, with the first honor in his class. He then went to the University of Virginia, where he took a regular course in the law department, and after that went to Cambridge, Massachusetts, to complete his law studies under Judge Story. Upon the death of that distinguished jurist, he quitted that institution and returned to Georgia, where he commenced the practice of law. Soon he arose to the highest distinction. In 1859, he was placed upon the bench of the Supreme Court of Georgia, at the age of thirty-five. This position he held with great distinction, until he voluntarily resigned it some years afterward.

Before going upon the bench, and since, he has several times been a member of the State legislature. Both the brothers were distinguished at college for their scholarship. Both upon entering life soon became distinguished, as lawyers, orators and statesmen of a high order. Both are noted for their generous liberality, especially in aiding young men in procuring an education. But besides this, the fact to which we allude especially, is the singular and extraordinary attachment and devotion to each other which has ever existed between them as brothers. They are always together when they can be. When separated, hardly a mail has passed since 1843, up to the imprisonment of the elder, without letters passing between them.

So soon as permission was given to the junior by President Johnson, he visited the elder in Fort Warren, and remained a voluntary prisoner with him until his release. This personal devotion between them has its parallel in history only in the case of Marcus and Quintus Cicero.

But to return to the matter we were on:—While Mr. Stephens' speech against the suspension of *habeas corpus* received

marked approbation from the press generally, and the principles of it were indorsed by several State legislatures, and cordially hailed by the great mass of the people; yet there were efforts made, more in private than in public circles, to break the influence of it by representing it as having emanated from nothing but hostility to the administration.

How Mr. Stephens received and was affected by these will be seen from two private letters, which we are permitted to publish. One of them was written to Hon. James A. Seddon, Secretary of War; and the other to Hon. Herschel V. Johnson, Senator in Congress. They both appear in their proper places in this collection. In the month of September, 1864, appeared his well-known letter to Messrs. Scott and others, upon the subject of inaugurating some movement in favor of peace. This letter we here give in full:

“CRAWFORDVILLE, GEORGIA, 22d September, 1864.

“MESSRS. ISAAC SCOTT, J. B. ROSS, J. H. R. WASHINGTON,

Macon, Georgia.

“GENTLEMEN:—You will please excuse me for not answering your letter of the 14th inst. sooner. I have been absent nearly a week on a visit to my brother, in Sparta, who has been quite out of health for some time. Your letter I found here on my return home yesterday. The delay of my reply thus occasioned, I regret. Without further explanation or apology, allow me now to say to you, that no person living can possibly feel a more ardent desire for an end to be put to this unnatural and merciless war, upon honorable and just terms, than I do. But I really do not see that it is in my power, or yours, or that of any number of persons in our position, to inaugurate any movement that will even tend to aid in bringing about a result that we and so many more so much desire. The movement by our legislature at its last session, at the suggestion of the Executive, on this subject, was by authority properly constituted for such a purpose. That movement, in my judgment, was timely, judicious, and in the right direction. Nor has it been without results. The organization

of that party at the North, to which you refer, may justly be claimed as a part of the fruits of it. These, it is to be hoped, will be followed by others of a more marked character, if all, in both sections, who sincerely desire peace upon correct terms will give that movement thus inaugurated all the aid in their power. The resolutions of the Georgia legislature, at its last session, upon the subject of peace, in my judgment, embodied and set forth very clearly those principles upon which alone there can be permanent peace between the different sections of this extensive, once happy and prosperous, but now distracted country. The easy and perfect solution to all our present troubles, and those far more grievous ones which loom up in prospect, and portentously threaten in the coming future, is nothing more than the simple recognition of the fundamental principle and truth upon which all American constitutional liberty is founded and upon the maintenance of which alone it can be preserved; that is, the sovereignty—the ultimate, absolute sovereignty—of the States. This doctrine our legislature announced to the people of the North, and to the world. It is the only key-note to peace—permanent, lasting peace—consistent with the security of public liberty. The old confederation was formed upon this principle. The old Union was afterward formed upon this principle; and no union or league can ever be formed or maintained between any States, North or South, securing public liberty upon any other principle. The whole framework of American institutions, which in so short a time had won the admiration of the world, and to which we were indebted for such an unparalleled career of prosperity and happiness, was formed upon this principle. All our present troubles spring from a departure from this principle, from a violation of this essential, vital law of our political organism. In 1776, our ancestors, and the ancestors of those who are waging this unholy crusade against us, together proclaimed the great and eternal truth, for the maintenance of which they jointly pledged their lives, their fortunes, and their sacred honor, that ‘governments are instituted amongst men, deriving their just powers from the consent of the governed;’ and that ‘whenever any form of government becomes destructive of those ends (those for which it was formed), it is the

right of the people to alter or abolish it, and to institute a new government, lying its foundations on such principles, and organizing its powers in such form, *as to them* shall seem most likely to effect their safety and happiness.'

"It is needless here to state, that, by 'people' and 'governed,' in this annunciation, is meant communities and bodies of men capable of organizing and maintaining government, not individual members of society. 'The consent of the governed' refers to the will of the mass of the community or State in its organized form, and expressed through its legitimate and properly constituted organs.' It was upon this principle the colonies stood justified before the world in effecting a separation from the mother country. It was upon this principle that the original thirteen co-equal and co-sovereign States formed the Federal compact of the old Union in 1787. It is upon the same principle that the present co-equal and co-sovereign States of our Confederacy formed their new compact of union. The idea that the old Union, or any union between any of these sovereign States, consistently with this fundamental truth, can be maintained by force, is preposterous. This war springs from an attempt to do this preposterous thing. Superior power may compel a union of some sort; but it would not be the Union of the old constitution or of our new; it would be that sort of union that results from despotism. The subjugation of the people of the South by the people of the North, would necessarily involve the destruction of the constitution, and the overthrow of their liberties as well as ours. The men or party at the North, to whom you refer, who favor peace, must be brought to a full realization of this truth in all its bearings before their efforts will result in much practical good; for any peace growing out of a Union of the States established by force, will be as ruinous to them as to us.

"The action of the Chicago Convention, so far as its platform of principles goes, presents, as I have said on another occasion, 'a ray of light, which, under Providence, may prove the dawn of day to this long and cheerless night.' The first ray of real light I have seen from the North since the war began. This cheers the heart, and toward it I could almost have exclaimed:

“Hail, holy light—offspring of heaven first-born,
Or of the Eternal, co-eternal beam,
May I express thee unblamed, since God is light?”

“Indeed, I could quite so have exclaimed, but for the sad reflection, that, whether it shall bring healing in its beams, or be lost in dark and ominous eclipse ere its good work is done, depends so much upon the action of others who may not regard it and view it as I do. So, at best, it is but a ray—a small and tremulous ray—enough only to gladden the heart and quicken hope. The prominent and leading idea of that convention seems to have been a desire to reach a peaceful adjustment of our present difficulties and strife through the medium of the convocation of the States. They propose to suspend hostilities to see what can be done, if any thing, by negotiation of some sort. This is one step in the right direction. To such a convention of the States, I should have no objection, as a peaceful conference and interchange of views between equal and sovereign Powers, just as the convention of 1787 was called and assembled. The properly constituted authorities at Washington and Richmond, the duly authorized representatives of the two confederacies of States now at war with each other, might give their assent to such a proposition. Good might result from it. It would be an appeal on both sides from the sword to reason and justice. All wars, which do not result in the extinction or extermination of one side or the other, must be ended, sooner or later, by some sort of negotiation. From the discussion and interchange of views in such a convention, the history, as well as the true nature of our institutions, and the relation of the States toward each other and toward the Federative head, would doubtless be much better understood generally than they now are. But I should favor such a proposition only as a peaceful conference, as the convention of 1787 was. I should be opposed to leaving the questions at issue to the absolute decision of such a body. Delegates might be clothed with powers to consult and agree, if they could, upon some plan of adjustment, to be submitted for subsequent ratification by the sovereign States whom it affected, before it should be obligatory or binding; and then binding only on such as should so ratify. It becomes the

people of the South, as well as the people of the North, to be quite as watchful and jealous of their rights as their common ancestors were.

“The maintenance of liberty, in all ages, times, and countries, when and where it has existed, has required not only constant vigilance and jealousy, but has often required the greatest privations, sufferings, and sacrifices that people or States are ever subjected to. Through such an ordeal we are now passing. Through a like and even severer ordeal, our ancestors passed in their struggle for the principles which it has devolved upon us to defend and maintain. But great as our sufferings and sacrifices have been and are, to which you allude, they are as yet far short of the like sufferings and sacrifices which our fathers bore with patience, and fortitude, in the crisis that ‘tried men’s souls’ in their day. These are the virtues that sustained them in their hour of need. Their illustrious and glorious example bids us not to under-estimate the priceless inheritance they achieved for us at such a cost of treasure and blood. Great as are the odds we are struggling against, they are not greater than those against which they successfully struggled. In point of reverses, our condition is not to be compared with theirs. Should Mobile, Savannah, Charleston, Augusta, Macon, Montgomery, and even Petersburg and Richmond fall, our condition would not then be worse or less hopeful than theirs was in the darkest hour that rested on their fortunes. With wisdom on the part of those who control our destiny, in the cabinet and in the field, husbanding and properly wielding our resources at their command, and in securing the hearts and affections of the people in the great cause of right and liberty for which we are struggling, we could suffer all these losses and calamities, and greater, even, and still triumph in the end. At present, however, I do not see, as I stated in the outset, that you, or I, or any number of persons in our position, can do any thing toward inaugurating any new movement looking to a peaceful solution of the present strife. The war, on our part, is purely and entirely defensive in its character. How long it will continue to be thus wickedly and mercilessly waged against us, depends upon the people of the North. Georgia, our own State,

to whom we owe allegiance, has, with great unanimity, proclaimed the principles upon which a just and permanent peace ought to be sought and obtained. The Congress of the Confederate States has followed with an indorsement of those principles. All you, and I, and others in our position, therefore, can do on that line at this time, is, to sustain the movement thus already inaugurated, and, to the utmost of our ability, to hold up these principles as the surest hope of restoring soundness to the public mind North, as the brazen serpent was held up for the healing of Israel in the wilderness. The chief aid and encouragement we can give the peace party at the North, is to keep before them these great fundamental principles and truths which alone will lead them and us to a permanent and lasting peace, with the possession and enjoyment of constitutional liberty. With these principles once recognized, the future would take care of itself. There would be no more war so long as they should be adhered to. All questions of boundaries, confederacies, and union or unions, would naturally and easily adjust themselves according to the interests of the parties and the exigencies of the times. Herein lies the true law of the balance of power and the harmony of States.

Yours, respectfully,

“ALEXANDER H. STEPHENS.”

Subsequently appeared his letter in reply to a proposal for a conference made by General Sherman, of the United States army, through Mr. William King. We also give this letter in full in this place:

“CRAWFORDVILLE, GA., *October 1st, 1864.*

“WM. KING, Esq:

“SIR:—I have considered the message you delivered me yesterday from General Sherman, with all the seriousness and gravity due the importance of the subject. That message was a verbal invitation by him, through you to me, to visit him at Atlanta, to see if we could agree upon some plan of terminating this fratricidal war without the further effusion of blood. The object is one which addresses itself with peculiar interest and great force to every well-wisher of his country—to every friend

of humanity—to every patriot—to every one attached to the principles of self-government, established by our common ancestors. I need not assure you, therefore, that it is an object very dear to me—there is no sacrifice I would not make, short of principle and honor, to obtain it, and no effort would I spare, under the same limitations, with reasonable or probable prospect of success.

“But in the present instance, the entire absence of any power on my part to enter into such negotiations, and the like absence of any such power on his part, so far as appears from his message, necessarily precludes my acceptance of the invitation thus tendered. In communicating this to General Sherman, you may also say to him that if he is of opinion that there is any prospect of our agreeing upon terms of adjustment to be submitted to the action of our respective governments, even though he has no power to act in advance in the premises, and will make this known to me in some formal and authoritative manner (being so desirous for peace himself, as you represent him to have expressed himself), I would most cheerfully and willingly, with the consent of our authorities, accede to his request thus manifested, and enter with all the earnestness of my nature upon the responsible and arduous task of restoring peace and harmony to the country, upon principles of honor, right, and justice to all parties. This does not seem to me to be at all impossible, if truth and reason should be permitted to have their full sway.

“Yours, most respectfully,

“ALEXANDER H. STEPHENS.”

In the winter of 1864–5, Mr. Stephens, seeing that affairs were rapidly tending to a disastrous crisis, and being extremely desirous to do any thing in his power to avert or ameliorate the impending consummation, went again to Richmond.

His efforts were again directed with all his energy to the object of procuring a radical and thorough change in the government policy, internal and external. He was invited by the Senate to address them on this subject in secret session. He did so, giving his views as to the changes which he deemed

essential in both the internal and external policy. So far as related to the States then at war, his views were presented in a series of resolutions, which will not be found in this collection. There was a good prospect for the adoption of these resolutions, substantially by both Houses of Congress, when the affair of the Blair mission intervened. This produced a diversion from his programme, and ended in the celebrated Hampton Roads conference. The part he took in that conference was prompted by no expectations, nor even hope of procuring an immediate treaty of peace. He has been often heard to say that his views in consenting to take a part in that conference, can never be fully understood without a knowledge of the true objects contemplated by the authors of that mission. These he has never disclosed, and does not yet feel himself at liberty to disclose. All that can be at present said concerning his own object in taking a part in it is, that he had the hope of *possibly* obtaining an armistice which would allow time for the cooling of hot blood, and serve as a stepping-stone to negotiations for a permanent peace.

With this hope on his part, weakened by the Confederate disaster at Nashville, and the fall of Fort Fisher, he yielded more to pressure from others than to his own inclination, and more from a fear that his refusal might do harm, than from a hope that his acceptance would result in good. While we are on this subject, we will remark that a publication appeared in the *Augusta Chronicle and Sentinel*, and was republished in many other papers last summer, while Mr. Stephens was a prisoner, purporting to give his version of the Hampton Roads conference. This was without his authority or knowledge, and caused him deep regret. The account contained some truths and many inaccuracies, with the truths and inaccuracies so blended, as to make a very erroneous impression. He desired to publish a disavowal of the publication at the time, but was not permitted. He has, on several occasions, told to a few particular friends, some things that transpired, particularly the

Executive Mansion

Washington Feb. 10. 1865

Hon. A. H. Stephens

According to our agreement, your nephew, Lieut. Stephens, goes to you, bearing this note. Please, in return, to select and send to me, that officer of the same rank, imprisoned at Richmond whose physical condition most urgently requires his release.

Respectfully

A Lincoln

agreeableness of the interview, the courteous bearing of Mr. Lincoln and Mr. Seward, and some anecdotes which were interchanged; but he has always objected to giving to the public any account whatever beyond that contained in the official report of the commissioners. That report, he says, contains the exact truth touching the points embraced in it; but the real object of that mission was not embraced in it. This was verbally and confidentially communicated, and his own judgment was against any report at all for publication, as he thought that any report which could be made, would have the effect of misleading the public mind as to the real objects of the mission.

But when the objects of the mission had failed, Mr. Stephens, true to his instincts of humanity, brought up the question of the exchange of prisoners. Mr. Lincoln said he would leave that matter with General Grant, and authorize him to act in the matter as he thought best. The commissioners conferred with General Grant on the subject, on their return to City Point. A general exchange soon followed. As an evidence of the good personal feeling existing between Mr. Lincoln and Mr. Stephens, we here also state that in this interview, Mr. Stephens made application to him for a special exchange in behalf of a nephew of his, then at Johnson's Island. This Mr. Lincoln readily granted, promising to send the nephew to the uncle. This he attended to immediately upon his return to Washington. He telegraphed that the nephew should be sent forthwith to him. He received him cordially, spoke of the uncle to the nephew in the kindest terms, personally, and by the latter sent to the former the letter of which we give a fac-simile on the opposite page.

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Mr. Stephens also speaks in the highest terms of the whole course and bearing of General Grant in all his interviews with that distinguished officer.

The Hampton Roads conference, ending as it did, and being used as it was, terminated all his hopes of effecting any salutary

changes of policy, either internal or external, so far as his cherished idea of State sovereignty was concerned. He gave up all as lost, and returned home to await the general and early collapse which he saw was inevitable. He remained at home in quiet and calm readiness to meet whatever might be his own personal fate.

VIII.

ARREST AND IMPRISONMENT.

RELEASE ON PAROLE—ELECTION TO UNITED STATES SENATE
—SPEECH BEFORE THE LEGISLATURE ON RECONSTRUCTION,
22D FEBRUARY, 1866—TESTIMONY BEFORE THE RECON-
STRUCTION COMMITTEE—COMMENTS OF THE PUBLIC PRESS.

AT Liberty Hall, on the 11th of May, 1865, the following scene occurred :

Mr. Stephens seeing an officer and guard advancing from the front gate, met him near the door of his private room, in which he then was. The following dialogue took place :

OFFICER—Is this Mr. Stephens?

MR. STEPHENS—It is.

OFFICER—(apparently astonished) Alexander H. Stephens?

MR. STEPHENS—That is my name.

OFFICER—I am ordered to put you under arrest.

MR. STEPHENS—Will you allow me to see the order?

The officer produced a paper addressed to Captain Saint, of the Fourth Iowa cavalry, directing him to arrest Alexander H. Stephens, and take him to the head-quarters in Atlanta. It was from Major-General Upton.

MR. STEPHENS—I am subject to your directions. How shall we travel?

OFFICER—By the cars I came in.

MR. STEPHENS—Can I take any baggage?

OFFICER—Yes, sir.

MR. STEPHENS—How long can I have to get ready?

OFFICER—As long as necessary.

The whole conduct and bearing of the officer was exceedingly civil and courteous.

A few moments were taken, and the baggage being ready, the party left with the illustrious prisoner.

From exposure that night, in travelling in the open cars, he took a violent cold, from which he suffered for several days. At Atlanta he was put on parole of honor by General Upton. On Sunday, the 14th of May, in pursuance of orders, he was started, under military escort, to Washington City. Passing by his home, being still on parole, he was permitted to stop and provide himself with additional clothing. It being known that he was to return on that day, a large crowd, consisting of nearly all the village people, and all his household and plantation servants, were assembled to take their farewell of him. Among them all, there were but few dry eyes as the cars moved off with him. At Augusta, he was put under the charge of Col. Pritchard, who had arrested Mr. Davis, and who then had him and his party in custody. With this party Mr. Stephens remained until they reached Hampton Roads, where, after some detention, orders were received for him and Hon. John H. Reagen, who was of Mr. Davis's party, to be sent to Fort Warren, in Boston harbor, instead of to Washington.

Mr. Stephens' parole was continued by all the officers into whose charge he fell, until he reached his destined prison. The intercourse between him and Mr. Davis, while they were on the route, was free, friendly, and cordial, as it had always been, however much they had disagreed upon public questions. Mr. Stephens entered the prison at Fort Warren on the 25th of May. At first he was put into a room rather below the level of the ground. Here the humidity and bad ventilation soon affected his health very injuriously. His confinement at first was close, with the privilege of taking an hour's walk and airing every day within the grounds of the fort, under the escort of an officer. At first, also, he was put upon soldier's rations.

This diet not suiting him at all, upon application he was permitted to be supplied, at his own expense, by the sutler. His health and strength failing in the quarters first assigned him he was removed to others as comfortable as the fort afforded, and as comfortable as he desired. He was also given full privilege, by orders from Washington, to go out and in as he pleased, within the grounds of the fort, without any guard, between reveille and tattoo. Books, pen, ink, paper, and newspapers were allowed him from the beginning. He speaks with the kindest remembrance of all the officers and men of the army who had any connection with his custody. He also expresses warm gratitude to many of the good people of Boston for their kind attentions in ministering to his prison wants. Having made up his mind, even before his arrest, that it was best for the southern people in every point of view, to accept the results of the war—the abolition of slavery, and the restoration of the Union under the constitution, with an abandonment of their doctrine of secession—he soon, after the appearance of the President's proclamation of Amnesty, made application for its benefit; or if that should not be granted, then for an enlargement on bail or parole to answer any criminal prosecution which might be instituted against him. The parole was granted on the 11th of October, 1865. His entire imprisonment was five months to a day. He immediately returned home, paying his respects in person to the President in his passage through Washington. He was urged to allow his old constituents the pleasure of returning him to his former place in Congress, by a unanimous vote. This he declined. Many also wished him to accept the office of governor. This he also declined. Upon the meeting of the legislature, all eyes and all hearts were turned to him for one of the United States senators, to be chosen by that body. The following correspondence took place upon that subject:—

Reply of Hon. ALEXANDER H. STEPHENS to invitation to address the legislature on public affairs.

“MILLEDGEVILLE, GA., *January 22d*, 1866.

“Messrs. J. F. JOHNSON, CHAS. H. SMITH* and others :

“GENTLEMEN :—Your note of invitation to me to address the general assembly on the state of the country, and assuring me that it is the almost universal desire of the members that I should do so, if consistent with my feelings, etc., was received two days ago. I have considered it maturely ; and be assured, if I saw any good that could be accomplished by my complying with your request, I would cheerfully yield any personal reluctance to so general a wish of the members of the general assembly, thus manifested. But, as it is, seeing no prospect of effecting any good by such an address, you and your associates will, I trust, excuse me in declining. My reasons need not be stated ; they will readily suggest themselves to your own minds upon reflection.

“In reference to the subject of the election of United States senators, which is now before you, allow me to avail myself of this occasion to say to you, and through you to all the members of the general assembly, that I cannot give my consent to the use of my name in that connection. This inhibition of such use of it is explicit and emphatic. I wish it so understood by all. As willingly as I would yield my own contrary inclinations to what I am assured is the general and unanimous wish of the legislature in this respect, if I saw any prospect of my being able, by thus yielding, to render any essential service to the people of Georgia ; and as earnestly desirous as I am for a speedy restoration of civil law, perfect peace, harmony, and prosperity throughout the whole country ; yet, under existing circumstances, I do not see such prospect of the availability of my services to these ends in any public position. Moreover, so far as I am personally concerned, I do not think it proper or politic that the election should be postponed with any view to a probable change of present circumstances, or a probable change of my position on the subject ; and I do trust that no member will give even a complimentary vote to me in the election.

“Yours, truly,

ALEXANDER H. STEPHENS.”

Neither the people nor representatives were satisfied with this, and the popular will at length took this shape, and had its result.

“MILLEDGEVILLE, *January 29th*, 1866.

“HON. A. H. STEPHENS:

“ESTEEMED SIR:—We have read with deep regret your letter to the legislature, withholding the use of your name in connection with the senatorial canvass; but while we grant to you the right of *refusing* a candidacy for a seat in the United States Senate, yet, at the same time, we claim to have also the right to *bestow* upon you *this trust*, involving, as it does, important considerations. We feel, sir, that a *vast majority* of the people of the State are looking to you as *the man* for the crisis. As the representatives of that constituency, desirous to carry out this *manifest* demonstration of the public will, we now ask, will you serve if elected?

“H. R. CASEY,	BEN. B. MOORE,
WM. GIBSON,	P. B. BEDFORD,
CLAIBORNE SNEAD,	O. L. SMITH,
JAMES M. RUSSELL	GEO. S. OWENS,
JESSE A. GLENN,	J. A. W. JOHNSON,
JOHN O. GARTRELL,	P. J. STROZER.
B. A. THORNTON.”	

“MILLEDGEVILLE, GA., *29th January*, 1866.

“MESSRS. R. H. CASEY, WILLIAM GIBSON, and others:

“The right claimed by you in your note to me, of this date, I do not wish to be understood as at all calling in question.

“In reply to your interrogatory, I can only say that I cannot imagine any probable case in which I would *refuse* to serve, to the best of my ability, the people of Georgia, in any position which might be assigned to me by them or their representatives, whether assigned with or without my consent.

“Yours, truly, ALEXANDER H. STEPHENS.”

The result was his election to the office of United States senator against his inclinations and wishes. He was elected for the long term, and Hon. Herschel V. Johnson, for the short term. The vote for each stood finally, one hundred and fifty-

two to thirty-nine. Afterward, upon the invitation of the members of both houses of the legislature through their presiding officers, he consented to address them upon the state of public affairs, and fixed upon the 22d of February, the anniversary of Washington's birthday, for the delivery of the address. The speech then made is also in this collection. It was delivered to a large, intelligent, and anxious audience, in the Capitol of the State. It received the unanimous indorsement of both houses of the legislature, and was ordered to be spread at large upon the records of the State.

It was republished in almost all the leading papers, North and South, with little distinction of past or present party proclivities. In the North, it was printed by republican and democrat papers or noticed by them, and generally in kind terms. In the South, both fire-eating and conservative papers praised it, and even the paper in Georgia, controlled by the Freedmen's Bureau and edited by freedmen, indorsed the views of him who had so lately been the second officer of the southern government, but always the friend of the colored people.

It was reproduced in Europe from the imperfect copy sent North by telegraph at great expense to the *New York Times*, and the comments upon it were as various as the journals in which they appeared. As a matter both of interest and of curiosity we subjoin some notices of this speech, which seems to have been as famous in all enlightened lands, as any American one ever made. Some of the comments are from sources that command and deserve far more attention than any words of ours.

[From the *New York Tribune*.]

“Mr. A. H. Stephens, of Georgia, delivered by invitation an address before the legislature of that State on Washington's birthday. Mr. Stephens had shortly before been elected to represent Georgia in the United States Senate, and in this speech, while referring to his reluctance to re-enter public life, arising out of his position as vice-president of the confederacy, accepts the

office to which he had been chosen. Whatever he chose to say would in any event have an importance as the opinion of the ablest southern politician. What he now says is especially important, because he speaks of his State and to his State, and must be presumed to say the best word he can to advance her interests.

"We frankly accord to this address the praise of being perhaps the best yet proceeding from any citizen south of Mason's and Dixon's line. It contains some good advice to his constituents, and some sound views of public affairs. Mr. Stephens has qualities quite distinct from those which usually win attention on a southern stump, and he displays them in this address to advantage. He counsels patience. He reminds his hearers that they must expect to endure such ills as now befall them, likening his listening constituents to a man with a broken leg, who must for the time tolerate his splints and bandages—that is, must tolerate exclusion from Congress, payment of taxes, military rule, deprivation of postal facilities, and 'other matters on the long list of our present inconveniencies.' In order that the people may advance to a better state, they must show harmony among themselves and renewed loyalty to the government. Mr. Stephens reiterates with emphasis and with elaboration his well-known view that loyalty is perfectly consistent with secession; in other words, that the South remained always faithful to the principles of government which the constitution was meant to embody; and that the only point at issue was whether the State or the federal government should be paramount. 'As for myself,' says he, 'I can affirm that no sentiment of disloyalty to these great principles of self-government recognized and embodied in the constitution of the United States, ever beat or throbbed in heart of mine.' He would say the same for Georgia and for the whole South. Secession he viewed only as a means to an end, and the means has failed.

"It is of more consequence to inquire what Mr. Stephens proposes for the future. He does not leave us in doubt on this any more than on the other point: 'We should accept the issues of the war, and abide by them in good faith.' What *are* the issues

thus settled? First, that Georgia is in the Union, not out of it, and that 'the whole United States, therefore, is now, without question, our country, to be cherished and defended as such by all our hearts and by all our arms.' That at least is something. Next, slavery has been destroyed. Whether for better or for worse is not important; it is gone, and the new state of things is to be accepted. Many changes must follow. Old codes of law become obsolete. For the negroes, wise and humane laws should be made. Mr. Stephens uses language which for a southerner of this generation is remarkable. 'Ample and full protection should be secured to them, so that they may stand equal before the law in the possession and enjoyment of all rights of personal liberty and property. That has even a flavor of the declaration in it. Could Mr. Stephens but persuade his Georgia legislature to frame such opinions into statutes. He praises the fidelity of the negro in times past; admits his capacity for improvement, and correctly lays down the principle that the object of government is the good of the governed, including those of African descent, 'looking to the greatest attainable advancement, improvement, and progress, physical, intellectual and moral, of all classes and conditions within their rightful jurisdiction.' Again, 'all obstacles, if there be any, should be removed, which can possible hinder or retard the blacks to the extent of their capacity.' Education should be open to them; not only for their own sake, but for that of the community. 'It is difficult,' says Mr. Stephens, very explicitly and sensibly, to 'conceive a greater evil or curse than could befall our country, stricken and distressed as it now is, for so large a portion of its population as this class will quite probably constitute among us hereafter, to be reared in ignorance, depravity, and vice.' Again we say, could but this belief of Mr. Stephens be translated into Georgia law, and into law for all the Southern States, the problems of reconstruction were amazingly simplified. We wish the State legislatures might take the advice of their counsellor to 'do the best they can with their problem.' Sure they may be that somehow the problem has got to be solved, and can by no means be shirked or shuffled out of sight

"It is fair to admit, thinks Mr. Stephens, that the outlook for the South is somewhat gloomy. We judge that his best hopes lie in the two conditions above stated, a genuine loyalty to the Union and justice to the negro. And he makes the remarkable admission—especially remarkable for the second executive officer of the rebel confederacy, that 'during the whole lamentable conflict it was my opinion that, however the pending strife might terminate, so far as the appeal to the sword was concerned, after awhile, when the passions and excitement of the day should pass away, an adjustment would be made on equitable principles, upon a general basis of reciprocal advantage and mutual convenience on which the Union was first established.' That can only mean that Mr. Stephens was from the first, hopeless of what is called southern independence, and he now expressly declares that he can see no reason why the good sense of the States shall not perceive their true interests to lie inside the Union—such a new Union as he has described. Would that the States to which he refers were of the same mind."

[From the New York Times.]

"The luxury of having speeches delivered in the heart of Georgia, reported by telegraph, *verbatim*, for the New York Times, is not one that may be every day indulged in. But the elaborate, temperate, and judicious discourse of Mr. A. H. Stephens before the legislature of Georgia, which we publish in full in other columns to-day, seems to us to justify the prominence we give it. The day was one well chosen for the delivery of the best *Union* speech heard in Georgia since the same speaker, five years ago, with terribly prophetic truthfulness, depicted all the horrors, and anguish, and bitterness, and blood which must follow the treasonable attempt to overthrow the government and destroy the Union. Mr. Stephens with good sense refuses to go over the terrible experience of the intervening years. He points briefly to the fearful damages that have to be repaired. But his discourse is mainly with the *present*, with the duties which the actual situation demand—his references to the past being mainly illustrations from history of what is possible in the adjustment

of great public questions by an appeal from the sword to the arena of peaceful discussions and legislative deliberations.

"The temper of Mr. Stephens' address leaves nothing to be wished for. It is a response, frank, manly, and evidently sincere, to the restoration policy of the executive. It comes not only from a clear and acute thinker, but from a representative southern man. It indicates where the intelligence of the South is to be found to-day on the vital question of submission to the supreme law. 'Bad humor,' says Mr. Stephens; 'ill temper, exhibited either in restlessness or grumbling, will not hasten restoration.' Again he says: 'The first step toward local or general harmony, is the banishment from our breasts of every feeling and sentiment calculated to stir the discords of the past.' The question whether Georgia was out of the Union by the secession ordinance of 1861, Mr. Stephens holds to be of no practical account to-day. What his fellow-citizens have to recognize, he urges, is, that 'the whole United States is now our country, *to be cherished and defended as such by all our hearts and all our arms.*'

"Mr. Stephens' faith in the President's restoration policy is expressed in no equivocal terms. And if, as we believe, he interprets aright the political sentiment of the intelligent people of the South, the Executive, and the Union party here that sustain his policy, will not find themselves embarrassed by any solicitations for sectional favors or immediate representation, which are not founded in reason, and called for on the very highest grounds of political expediency and absolute right.

"It is important that Mr. Stephens' speech should be read in every quarter throughout the North. It is time that the era of good feeling should open. Here, at least, is a fair occasion for beginning anew a friendly interchange of sentiment—free entirely from party narrowness or partisan malignity. The country demands that instead of exhausting measures for the perpetuation of sectional hatreds, there shall be occasions *made*, if they do not otherwise arise, for applying the influence of kind words and temperate counsel. The grand demonstration of Thursday must in this respect produce a most healthy influence. And that influence,

we venture to think, will be greatly strengthened and stimulated by this appeal from the foremost public man of the South."

[From the Commercial Gazette.]

"We publish in full the address delivered by Alexander H. Stephens, before the Georgia legislature, on the 22d of February. It will be only less celebrated than his last appeal for the Union, before the overt acts of treason and the outburst of war, made in the same place, and before the same body, five years ago. Mr. Stephens has not lost any of his old time ability in stating a case, and has spoken on this occasion evidently not to make a sensation, but to moderate excitements, and inculcate sentiments of charity and good will, as the best restorative of a people beaten in arms and broken in fortune. We presume he possesses more influence than any other southern man; and it is one of the good signs of the times that he is so clear-sighted and plain-spoken as to the actual situation in the South, and the duty of the southern people toward the freedmen. If the advice given by Mr. Stephens as to the treatment of the blacks were generally followed by the class to whom it is addressed, and it was made apparent that the views he advances regarding the protection and education of the freed, but almost helpless, and exceedingly ignorant people, the Freedmen's Bureau would be abolished in three months, with the full consent of all, except those interested in its continuance."

[From the Louisville Journal.]

"Mr. Stephens, by request, delivered an address on the 22d before both houses of the Georgia legislature, which will be found in this morning's *Journal*. We recommend its attentive perusal. It is worthy of it. It ought to be read dispassionately by every man and woman in the country, North and South. It is calculated to do good. It was evidently designed to do good, and it will do good if reason and fraternity have not fled the land. Let no one be deterred in digesting it on account of its length. It could not well have been shorter, and might well have been longer. We hope it will be printed by every paper in the country. The people North and the people South ought to know in what spirit

and to what intent one of the ablest intellects in the United States, whose lot is identified with the States lately in revolt, addresses the legislature that has lately elected him senator, and indirectly, the whole South and the whole country. Its tone is admirable. Nothing, indeed, could be better, more truly liberal, or more truly loyal. Mr. Stephens comprehends the whole great question of reconciliation, of union, and of peace.

“No pent up Utica contracts his powers.”

“He speaks like one burdened with the good of his whole country; and his words come freighted with wisdom. He speaks like a Christian, a statesman, and a philosopher. He does not seek to be eloquent, yet he is eloquent. He is subdued almost to sadness in view of the momentous issues of the hour, and he is so because his eagle eye runs through and through them; because he understands them; because he grasps somewhat of their indescribable greatness and importance. It is utterly inconceivable to us how any man can rise from the perusal of that address without having the conviction ineffaceably fixed upon his mind, that the author of it is truly and thoroughly loyal to the constitution and to the Union, and to the best interests of this entire country. Every throb that runs through it is a heart-throb of devoted loyalty. It counsels patience and forbearance. It inculcates moderation. It accepts unreservedly the free basis. It asks for complete protection to the persons and property of the freedmen. It pleads sublimely for charity. It utters no harsh word. It indulges in no recriminations. It reasons upon facts as they exist, and it draws from them lessons of brotherhood and goodwill for the benefit of all the people of all these great American States and sections. It recognizes no clashing interests among them.

“Mr. Stephens sees and knows that American nationality is a unit. The American people must live together as one great family; and profoundly convinced of this, he appreciates the supreme importance of the cultivation, among all classes, of those feelings of amity, and mutual respect and confidence, which lie at the foundation of all harmony, and are the very sources of

strength and prosperity in a country. His effort is a powerful plea for pacification and reconciliation, for the extirpation of all feuds, and the thorough eradication of that spirit of sectional antagonism which produced the bitter fruits, the apples of Sodom, which we have all tasted, and which turned to ashes on our palates. Would to God that all our public men, our legislators and magistrates; that all editors and writers, North and South, would imbibe and exhibit the spirit of this address of the great Georgian. If they would do this, if they would *all* do this, the effect, it seems to us, would be—and we speak it reverently—like the voice of the Son of Man, commanding the winds and the waters to be still, when he said, ‘Let there be peace,’ and there was peace.

“In our judgment, just in proportion as men, public or private, comprehend the condition and true interests of this country, of the people of this whole country, just in that ratio will they manifest a spirit similar to that which lives and breathes through every word and line of this most appropriate, most loyal, most national address of Mr. Stephens. He realizes how mighty and infuriate were the passions which leaped from the red gulf of blood and war, and how they yet rankle in a multitude of hearts, smaller than his, and hence he is not very sanguine of ultimate results. He does not seem to think our American experiment of self-government has been quite finished or vindicated. There will be, doubtless, sneers at this portion of his address, but they will come from men who have not his intellect, who do not see the high mountain peaks and the deep abysses of the great future with a vision so clear and piercing as his is. Let him who thinks he stands, take heed lest he fall. We confess, that we, at times, profoundly sympathize with his apprehensions. When we witness the bad spirit which prevails so extensively in some quarters—a spirit which seemed to have learned nothing by the war, or the events which produced the war, and which appears incapable of learning any thing from any source or in any school, it is certainly almost enough to dampen and chill the most buoyant hopes. But it is a great virtue not to despair of the Republic. We must have confidence in the ultimate triumph of reason over pas-

sion, and in the strength of the appliances which, we trust, will never be wanting to insure the success of the self-governing principle over the multiform and mighty obstacles with which it has to contend. Let us hold on to our great charter of freedom with a grapple which nothing can loose. Let us imitate the noblest, and not the meanest of mankind. Let us make a herculean effort to catch this spirit of charity and tolerance. Let us drink at the fountain of Mount Vernon, and take lessons at the tomb of Franklin."

[From the Augusta (Georgia) Constitutionalist.]

"The recent address of the Hon. Alexander H. Stephens before the general assembly of Georgia, is being published broadcast through the North and West, winning golden opinions from friend and foe. A few jaundiced radical journals, chronically blind to any good that may come out of Nazareth, assail it mildly, on the score of sincerity; asserting that, however it may be a fair reflex of Mr. Stephens' individual sentiments, it is not a keynote of southern temper and opinion. From the many criticisms we have been industriously collating, that of the *New York Times* is selected as most judicious and forcible; mainly, too, because this journal is a bow-shot beyond any republican organ in conservatism, and a correct exponent of the popular will. It can be presented as the most enlightened precursor of a new party, which will shake the Jacobin pagoda to its foundation.

"Mr. Stephens' speech is intended, of course, to sink deep into the hearts of his countrymen, but it is likewise vocal for posterity, and aimed at the intelligence of the North. We, who immediately surround him, may fail to appreciate it thoroughly from its very nearness; but the remote North has already caught the magic of its utterance, and those who live after us will cherish it as the wholesome counsel of a great man, who compromises no principle, but advises for the best when evil seems insurmountable. We say that our people cannot properly regard this speech, because of their proximity to the artist. How shall this be better illustrated than by the achievement of the old Greek sculptor. His massive statue, when placed upon the ground, looked rough

and uncouth: but, reared upon the Partheon, its rugged outlines were mellowed by altitude, and all its thorough symmetry came out in the relief of perfect majesty. So with this memorable speech. The far North recognizes the divine art of the master in his work, and, niched in the Partheon of time, our children shall hail it as most worthy among the grand efforts of our intellectual Phidias."

[From the New Orleans Picayune of March 11th, 1866.]

"In a speech, lately delivered before the Georgia legislature, and published by one of our contemporaries in this city, we clearly discover the master hand of Georgia's most renowned and gifted son. We could readily have assigned the authorship of this address to Mr. Stephens, without a positive knowledge of the fact that it is his. Wise and moderate, forcible and earnest, delivered in unostentatious terms, lucid and truthful, conviction follows every sentence, and we pause in admiration of that great intellect, which seems equal to any emergency.

"It is well known that Mr. Stephens long opposed secession, and only yielded his opinion in obedience to the command of his beloved Georgia. At various periods during the war, he strove to set on foot negotiations which he hoped would end it; but his policy was to a great extent overruled. Had it been otherwise, we doubt not that a deplorable waste of life and the revolting horrors of war would to a great extent have been averted.

"We have heard the assertion made, that Mr. Stephens is 'all intellect,' yet where shall we find a heart more benevolent? In the address before us, referring to emancipated slaves, he says: 'Legislation should ever look to the protection of the weak against the strong,' and this principle he advocates and establishes with all the cogency of argument and strength of diction, which make him irresistible. Again he counsels cheerful submission to the laws, a spirit of conciliation and charity, by every motive of expediency and of honor.

"Mr. Stephens is a man who has made his mark on the age—as an orator, he is unsurpassed, possessing, in wonderful degree, that control over the human heart, and that power of convincing

the understanding, by which, like an overmastering torrent, he bears along with him the sympathies of an audience, while the paleness and delicacy of his face, the flashing light of his dark and lustrous eye, and the musical intonations of his mellifluous voice, hold his entranced hearers in mute attention—

“‘All soul, all fire, a revelation given,

As though some spirit spoke to earth from heav’n.’

“Yet this lofty genius, with all the great endowments so rarely bestowed on man, is coupled with a woman’s tender and pitying yearning over the afflicted and the oppressed. In strength of will and firmness of resolve, a match for the lion-hearted Richard of England, his gentle accents and bounteous hands are accustomed to soothe the ear of sickness and scare away the demon of poverty. The good angel of the hospital, the fosterer of friendless talent, the encourager of worth, he is no less loved in private life than he is honored in halls of counsel. His speech is before the world, and we dare affirm that its influence on the public mind will be productive of the happiest results.

“Mr. Stephens’ health is feeble, but we hope, for the good of his country, that length of days and physical strength, necessary to the discharge of his responsible duties, may be vouchsafed to a statesman so dear to the people, so qualified to adorn our halls of legislation.

“A beautiful trait in the character of the great Georgian, is his perfect truthfulness (we speak from our own personal knowledge of him), his word is his bond—strong as the rock of Gibraltar, and never to be falsified, be the consequence what it may. No shuffling, no evasion, no mysticism, does the crystal of his nature allow. ‘I will,’ or ‘I will not,’ are the curt, unmistakable annunciations of his position, whatever it may be.

“There is a reverence in his nature, which, without parade, submits all things to the will of Him who rules amongst the armies of heaven and the inhabitants of earth—the God of battles and of nations, in whose hands we are, and to whose provi-

dence we, like Mr. Stephens, commit ourselves in this our day of trial and humiliation."

From Europe we gather but one notice, as we have taken up so much space already.

[From the *Cosmopolitan* of London and Paris, March 17th, 1866.]

"Mr. Alexander H. Stephens, of Georgia, delivered an address before the legislature of that State, on Washington's birthday, the 22d of last month. This address was considered by one of the leading journals of the North important enough to be telegraphed entire, and accordingly we find it occupying four closely printed columns of the *New York Times*, the recognized organ of the Administration. Considering the occasion, the speaker, and the momentous nature of the subjects dilated upon, the speech merits the importance attached to it. It is such a political address as is, we take it, not often heard in America—calm, logical, deriving its eloquence mostly from its large and generous ideas—though not devoid of the graces of language—and informed throughout with the spirit of a ripe, liberal, and noble political philosophy. It is an effort that recalls the first race of American statesmen. Mr. Stephens counsels submission, and a full and honest acceptance of the issues of the war, but he abates not one jot or tittle in the rights of the States under the constitution. He claims for Georgia a place in the restored Union as the equal of each and all of those States that fought to preserve that Union, as still the indisputable co-heiress of the past and the future.

"The address is, indeed, deserving of the attention and commendations it has received from the conservative journals of the North."

The following is the close of that speech of February 22d, 1866, of which the foregoing notices were made:

"But we shall have still left all the essentials of free government, contained and embodied in the old constitution, untouched and unimpaired as they came from the hands of our fathers. With these, even if we had to begin entirely anew, the prospect before us would be much more encouraging than the prospect

was before them, when they fled from the oppressions of the old world, and sought shelter and homes in this, then wilderness, land. The liberties we begin with, they had to achieve. With the same energies and virtues they displayed, we have much more to cheer us than they had. With a climate unrivalled in salubrity, with a soil unsurpassed in fertility, and with products unequalled in value in the markets of the world, to say nothing of our mineral resources, we shall have much still to wed us to the good old land. With good government—the matrix from which alone spring all great human achievements—we shall lack nothing but our own proper exertions, not only to recover our former prosperity, but to attain a much higher degree of development, in every thing that characterizes a great, free, and happy people. At least, I know of no other land that the sun shines upon that offers better prospects under the contingencies stated.

“The old Union was based upon the assumption, that it was for the best interest of the people of all the States to be united as they were, each State faithfully performing to the people of the other States all their obligations under the common compact. I always thought this assumption was founded upon broad, correct, and statesmanlike principles. I think so yet. It was only when it seemed to be impossible further to maintain it, without hazarding greater evils than would, perhaps, attend a separation, that I yielded my assent, in obedience to the voice of Georgia, to try the experiment which has just resulted so disastrously to us. Indeed, during the whole lamentable conflict, it was my opinion that, however the pending strife might terminate, so far as the appeal to the sword was concerned, yet, after awhile, when the passions and excitements of the day should pass away, an adjustment or arrangement would be made upon continental principles, upon the general basis of ‘reciprocal advantage and mutual convenience,’ on which the Union was first established. My earnest desire, however, throughout, was, whatever might be done, might be peacefully done—might be the result of calm, dispassionate, and enlightened reason, looking to the permanent interests and welfare of all. And now, after the severe chastisement of war, if the general sense of the whole country shall come back to the

acknowledgment of the original assumption, that it is for the best interests of all the States to be so united, as I trust it will—the States still being ‘separate as the billows, but one as the sea’—I can perceive no reason why, under such restoration, we, as a whole, with ‘peace, commerce, and honest friendship with all nations, and entangling alliances with none,’ may not enter upon a new career, exciting increased wonder in the old world, by grander achievements hereafter to be made, than any heretofore attained, by the peaceful and harmonious workings of our American institutions of self-government. All this is possible, if the hearts of the people be right. It is my earnest wish to see it. Fondly would I indulge my fancy in gazing on such a picture of the future. With what rapture may we not suppose the spirits of our fathers would hail its opening scenes from their mansions above. Such are my hopes, resting on such contingencies. But if, instead of all this, the passions of the day shall continue to bear sway; if prejudice shall rule the hour; if a conflict of races shall arise; if ambition shall turn the scale; if the sword shall be thrown in the balance against patriotism; if the embers of the late war shall be kept a glowing until, with new fuel, they shall flame up again, then our present gloom is but the shadow, the *penumbra* of that deeper and darker eclipse which is to totally obscure this hemisphere, and blight forever the anxious anticipations and expectations of mankind! Then, hereafter, by some bard, it may be sung:

“The star of Hope shone brightest in the West,
The hope of Liberty, the last, the best;
That, too, has set, upon her darkened shore,
And Hope and Freedom light up earth no more.’

“May we not all, on this occasion, on this anniversary of the birthday of Washington, join in the fervent prayer to heaven, that the Great Ruler of events may avert from this land, such a fall, such a fate, and such a requiem!”

This speech gave rise to a poem, under circumstances which may excuse the writer for stating them, as well as for intro-

ducing the poem itself. Because of the importance of the subject and the occasion, the speech was prepared by Mr. Stephens at home, it being, as before stated, the second political speech ever written by him before delivery. The writer being at Liberty Hall at the time of its preparation, Mr. Stephens showed him a paraphrased quotation from Campbell, which he had an idea of using; but which, however, he did not exactly like. The writer thereupon submitted to him an impromptu verse, which now makes the tenth of the poem, and asked him how he liked that in lieu of the other. He said, very well; and asked the writer where he got it. He told him he got it from the inspiration of hearing him read the latter part of the speech. "By your permission, then," he said, "I will adopt it." This he accordingly did, with such changes as better suited his taste. These will appear from comparing the verse as it now stands in the speech with the original as it appears in the poem. On his return home, after the delivery of the speech, he told the writer that several inquiries had been made of him as to the authorship of the verse, and commendation of it had been expressed. He then suggested to the writer to make, on the same theme, a poem, in which the verse should appear, and from which it should seem to be quoted. The result of that suggestion was the following verses, written in attempted harmony with the concluding part of the speech:

A REQUIEM FOR THE LAND, IF LIBERTY IS LOST.

A land there was, toward the setting sun,
Fresh as if Eden were again begun;
Two great twin oceans bathed the happy shore,
And Fancy looking, could not ask for more.

Arabia Felix* was not half so fair;
"The Blessed Islands"† seemed transplanted there;
Pure women walked its flower-enameled sod,
And man was there—"The image of his God!"

* Arabia the happy.

† The Greeks located the "Blessed Islands" in the western seas.

Heaven's holiest orbs lit its o'er-arching blue ;
Its laws were sacred, and its faith as true ;
While on its flag, protecting faith and law,
Both blue and stars, their radiant image saw.

Such was the land before its glory fled ;
And while were revered its holy dead,
From Nature's womb, the fairest child of morn,
Oppression's refuge—Freedom's latest born.

How that land perished, ask the saddened stars,
Or weeping angels at heaven's crystal bars ;
Or all the martyr dead, who died to save
Those sunset chambers by the western wave.

No deluge swept its blooming fields away,
Nor earthquakes swallowed cities in a day ;
Nor curse on atmosphere, or soil, or sea,
Blighted that garden of earth's latest Free:

Its daughters lived, the fairest of the earth ;
Still harp and timbrel led the dance of mirth ;
But the free stars upon its flag were furled,
And they, in fading, darkened all the world.

Some future sun *may* dissipate that night,
Or God creating, say, " Let there be light !"
But Pity wept that land's poor perished pride,
And Heaven shuddered when her HONOR died.

Good-will to each, and equal rights to all,
Was the blest creed that perished in her fall ;
' And mourning skies, beholding from afar,
Saw no such fall, since him, " The Morning Star."

*The star of Hope shone latest in the West ;
That dream of Empire was the last, the best ;
It, too, has set upon her darkening shore,
And Hope and Freedom visit earth no more.*

Shall no Columbus find another world ?
Shall Freedom's ensign be no more unfurled ?
Shall no land be where the oppressed may come—
Its laws their refuge, and its hills their home ?

Must heavenly skies but spread o'er blasted hopes,
While troubled waters murmur down her slopes?
And sky and water tell the sighing air,
That earth's last requiem is the word—Despair?

Oh, let us listen for some heaven-sent voice,
O'er western waves to shout aloud, Rejoice!
And bid once more, the guardian angels come
To fold their pinions on the hearth of home.

But our strained ears catch no sweet song afar,
Like that which followed Bethlehem's natal star,
When angel feet the hills of Canaan trod,
And stooping heaven proclaimed the Son of God.

No prophet angel shouts, "She lives again!"
No new Columbus ploughs the boiling main:
And Hope and Freedom, from the eternal shore,
Look sadly back, while heavens sigh—"NO MORE."

On the 16th day of April, 1866, Mr. Stephens being in Washington city, was summoned before the *Reconstruction Committee* of Congress, and gave the EVIDENCE which we copy in this volume in full from the *National Intelligencer* of the 17th of that month. From the thousands of comments upon it from the public press, we cull the following:

[From the *National Republican*, Washington City, D. C., April 18th, 1866.]

* * * * *

"It is a strange coincidence that the evidence of Mr. Stephens, a high rebel official, in all main points corroborates that of the republican Federal officer from Arkansas. With the exception of the number of those who engaged in the Federal service, and the previous Union sentiments of those that Georgia has chosen to represent her in the national councils, the story of the former is the story of the latter. From Mr. Stephens we have the same statement of complete submission to present circumstances. The policy of secession is universally abandoned; the unanimous desire is for a return to the national relations with the country; the undivided sentiment is for obedience to and participa-

tion with the United States government. In that lies all their chances or calculations for the future. Georgia, too, has given the death-blow to slavery; has repudiated rebel obligations, and has, by the most emphatic legislation, placed her colored citizens upon equal privileges, and subjected them to similar penalties for misdemeanors with the white race, conceding thereby every thing which was mooted as necessary while the stern struggle for national existence was progressing. Mr. Stephens considers Georgia loyal, and defines loyalty 'to be loyal to law, order, and the constitution—to support the government under the constitution.' That definition is good enough for us. It is the one which the founders of this republic originated—which this heroic generation rushed to arms in order to demonstrate at the dread tribunal of war; and it is one which will be accepted as final by our intelligent fellow-countrymen, who will hail, with feelings of unmingled gratitude, its adoption throughout the broad domain of their country. Mr. Stephens says that the conduct of the negro race is 'much better than the most hopeful looked for.' Such testimony is cause for rejoicing, and is of more value to that unfortunate race than all the bureau or Civil Rights bills that human wisdom or human folly can devise. Mr. Stephens also says, for himself, 'I should not be individually opposed to a proper system of limited or restricted suffrage' to the colored population. He believes, as does every constitutional American, that this is a question solely within the jurisdiction of the States. We regard his opinion as of great weight. It is entitled to respect, not only from his connection with the lamentable conspiracy against his government, but from his long career of statesmanship in the olden days, and his superior talents and vast influence with his community, which no sane man will under-rate. If the negro of the South ever rises in the scale of society—ever becomes endowed with the dignity of franchise, it will be by the efforts and examples of such men as A. H. Stephens, of Georgia."

[From the New York Times.]

"The same philosophical characteristics that distinguished the *speeches* of Mr. Stephens, of Georgia, appear in his *testimony*,

recently given before the Committee on Reconstruction. It differs very strikingly in several respects, and in none more than in its vein of philosophy, from the testimony of General Lee. Lee declined to indulge in speculative fancies; refused to go below the surface, or to set forth any thing that was not quite palpable upon the face of it. He could hardly be drawn into the answering of questions involving political views, and was cautious to the last degree as to the force and bearing of every word he uttered. Stephens was more open and free, more explicit and exact, as well as more rhetorical, less dubious, and less fearful; and was not backward in exhibiting what of course he possesses—a far more thorough knowledge of political influences and laws, and a far more extensive apprehension of the springs of human action and the forces that govern the popular will.

“The two names just mentioned are those of the two foremost men in the Southern States. The testimony of no other party or parties could be of equal importance or historical value, unless it were that of Jefferson Davis.

“We are by no means committing ourselves to the political philosophy of Stephens, as set forth in his testimony, when we say that in many particulars it possesses the characteristics that are ordinarily designated statesmanlike. Stephens displays a faith more or less firm in principle, and a profound regard for that which is expedient. Mistaken frequently in the apprehension of truth—as in his celebrated ‘corner-stone’ blunder—he yet exhibits a perpetual tendency to base himself on broad and established doctrines; but, when the application of any one of those doctrines to the circumstances of practical life is palpably impossible, he would either ignore it altogether, or, for the time being, subordinate it. He declares himself, for example, to have been a Union man at the epoch of secession; but finding secession inevitable and the Confederacy an accomplished fact, he became a leader of the new Confederacy, in order that he might do all in his power to rescue and perpetuate the principles established in the old constitution and the political forms established in the original Union. So now, again, he is still a believer in the ‘separate sovereignty of the several States,’ though it will be observed

he does not now reiterate as strongly as he proclaimed in the South two or three years ago, the 'ultimate, absolute sovereignty' of each State; but while, as he alleges, his 'convictions on the original abstract questions have undergone no change,' he accepts the issue of the war as settling it finally against his views. ✓

"Mr. Stephens sets forth views analogous in principle to his own, as having controlled the action of the southern people in the past, and as still controlling it. Circumstances, such as the secession of South Carolina, compelled the citizens of Georgia to act against their own convictions, and though Unionists in principle, they fell into, indorsed, and fought for the destructive policy of disunion. They had always believed, however, that the State had the right of secession, and though Mr. Stephens is cautious on this subject, remarking that 'some may have changed their opinion in this respect, but it would be an unusual thing, as well as a difficult matter, for a whole people to change their convictions upon abstract principles,' yet he reiterates with great force that the entire State, like himself, has accepted the result of the war on this question, or on these questions, as final, and will in no case bring them again into dispute in the arena of war. They tried war, he says, for the maintenance of their rights, but having found that it destroyed them all, they will now and henceforth seek their maintenance only by ways of peace.

"It is not in the novelty of Mr. Stephens' statements that their interest and value lie; but as furnishing the ablest analysis of the grounds of Southern political action, and as personal narration of the processes of his own intellect, during two great historical crises, they are of enduring interest."

[From the Richmond Dispatch.]

"We publish this morning the evidence of Mr. Stephens given before the Committee on Reconstruction. Frankly, truthfully, and ably did Mr. Stephens reply to the Pharisees and Sadducees. Their artful and entrapping questions were turned against themselves. Mr. Stephens has more sense than all of them combined, and more patriotism to boot. Their whole study and vocation is to malign the South and excite against her the indignation

of the northern people, that thus they and their party may control the officers, and the emoluments, and the fat shoddy contracts of the government. To this it is that the welfare and peace of a nation must be subordinate."

[From the Baltimore Sun.]

"The testimony given by Hon. A. H. Stephens, of Georgia, before the Reconstruction Committee of Congress must have arrested the attention of every thinking mind throughout the country. No man is better informed upon the sentiments and opinions of the people of the South than Mr. Stephens, and there is no one whose testimony could be more clearly and candidly given than his has been. It is worth to those who desire the means of forming correct judgment for themselves whole volumes of such crude conjectures and hearsay declarations as the committee gathered and poured upon the public on the eve of the New Hampshire and Connecticut elections.

"Mr. Stephens defines so clearly and precisely the difference between the abstract speculative opinions of the southern people upon the doctrine of secession and the opinions and views in regard to it as a practical and rational means for redressing political grievances, in view of what has occurred during the war, that those enemies of reconstruction who found an argument against the admission of the southern States upon their continued adherence to those opinions as *abstract opinions* are left without decent excuse for their position. If, as Mr. Stephens tells us, there is a settled conviction in the mind of the South that an appeal to the forums of reason and justice, to the halls of legislation, and to the courts, for the preservation of constitutional liberty, is the appropriate and only practical remedy, and not the conflict of arms, then those who will see, cannot fail to perceive that there can be no more danger to the peace and safety of the country from restoring the relations of the States than there is in confiding the preservation of our institutions to the keeping of any other men who may recognize the right of revolution as an inherent right in society whenever the ends of government are perverted and public liberty manifestly endangered, and all other means of redress are ineffec-

tual. The clamor will doubtless be raised by some that the cloven foot of secession is plainly revealed in the testimony of Mr. Stephens, and that there is danger so long as a fibre of the pestilent heresy can be traced in the public mind ; but the good sense and candor of the American people will not be deceived by such empty noise.

“ In another particular the testimony of Mr. Stephens is equally significant and valuable to those who wish to form a right judgment of the policy to be pursued toward the southern States. It is as to the moral character of the motives which induced the southern people to embrace the war. They were not, he maintains, instigated by any dislike of, or desire to overthrow the principles of, constitutional liberty or the form of government under which we live, but that they were as much devoted to them as any people ever were to any cause, and they resorted to secession not for the purpose of overthrowing but as a means by which they might more securely maintain those principles and institutions. Grant, therefore, as they freely do, that they were mournfully mistaken in that particular—that they have gathered an experience too dearly purchased to be soon forgotten—still it remains that the blight of infamy cannot attach to them for mistaking the proper means of securing and maintaining what, in common with the supporters of the Union, they prize above every thing else. Nor is it just or wise to brand with the name of traitor, men whose hearts were throughout loyal to constitutional liberty. To-day those men can be as safely trusted with the guardianship of the Union as any in the land. Perhaps it is not too much to say that they know better how to value its blessings by knowing how much it has cost them to be separated from its protecting influences, and how sadly and disastrously they erred in the measures to which mistaken zeal compelled them.

“ Mr. Stephens’ testimony is valuable in another particular. Showing that the States have in good faith accepted and returned cordially to their allegiance to the constitution, he shows that they are unwilling to submit to injustice at the hands of Congress, or to accept as conditions of restoration terms which that body has no constitutional power to exact, and that the position of

unionists and disunionists is so far reversed between them and the central directory, which still insists upon their exclusion except upon guarantees unknown to the organic law, that the epithet of disunionists belongs of right to those who obstruct, and not to the people of the South, who ardently and honestly desire to return to the Union. There are many minor points of great interest in the testimony of Mr. Stephens; indeed every part of it is replete with comprehensive views and just and manly sentiments. We have only adverted to the more prominent points, in the belief that the attention which is fastened upon them will be directed afterward to every topic upon which he spoke in the course of his examination."

[From the Richmond (Va.) Daily Examiner.]

"The evidence of Mr. Stephens of Georgia, before the Reconstruction Committee, has just been published; and while we cannot agree with some of his opinions upon principles, we have every reason to believe that he is correct in all his statements of facts. We know of no man whose testimony should be received by all sections with more confidence than that of A. H. Stephens. He has never been known as a partisan; seems never to have indulged in prejudices; and in times of greatest passion and excitement he has remained calm and cool, without a smile or frown for any thing, impassive and self-poised. With but little of the 'grand' about him, he has always struck us as being rather 'gloomy and peculiar.' But those very characteristics that quite unfitted him for some of the great *roles* of life, mark him as a reliable witness or an impartial judge. We confess to have had very little admiration for some of his idiosyncracies, but for his uprightness, his clear judgment, and his unblemished record as a man and statesman, we have had the greatest respect."/>

"One main point upon which the vice-president of the late confederacy is especially full, emphatic, and satisfactory, is that Georgia will not agree to any further concessions; that she will not accept her equality in the Union upon *any* conditions precedent, and that she will rather exist as she may without that equality than purchase it by any unworthy price. We are glad

to see that Georgia is of one mind with her southern sisters ; and Mr. Stephens is to be thanked by every friend to States-Rights for the clear and forcible way in which he puts the case and enunciates the principle."

* * * * *

But we have already extended these extracts quite far enough and close this branch of our subject with the following beautiful compliment from the pen of the poet editor of the central States—George D. Prentice :

"It is a sublime spectacle to see a man like Alexander H. Stephens, just returned from the confines of a northern prison, wasted in health and in means, exhorting his countrymen to patience and Christian forbearance. Let all Christian men emulate his noble example. Good government is what we want. This can be obtained only through patience, forbearance, and charity, by partisans of both sections."

IX.

CONCLUDING REMARKS.

IT has not been any part of our plan to attempt a connected biographical sketch of Mr. Stephens, but rather to afford glimpses, like the occasional lights that adorn the shadows of the forest. All life is a thing of light and shade, and we would only paint the sunshine, knowing that enough cloud-land will blend at all events with all earthly pictures. We do not say that Mr. Stephens has no faults, that he has committed no errors, for sin is the heritage of us all, and perfection but the dream of the angels. We only say that we have known Mr. Stephens long; known him in public and private life; known him in those unguarded hours, and seen him in those moments of temptation when the great enemy of souls aims at the vulnerable heel of every mortal Achilles; and we simply bear testimony that he has as few faults as any man we ever knew. When good and ill are put into the great scales of God, which hang

“Twixt Astrea and the Scorpion sign”

in heaven, and Justice weighs our worth, all of us will have much need of mercy.

He is distinguished for kindness, uprightness, and benevolence. He is strictly moral, and has no bad habits or vices, and indulges in no kind of dissipation. In temperance he is strict, and while not objecting to an occasional glass of wine, he eschews the habitual use of intoxicating liquors, and never tastes distilled spirits save as a medicine. This is sometimes a necessity from the exhaustion of speaking. He has often been heard so say that he was never intoxicated in his life, and never swore an oath, nor bet a cent of money.

Mr. Stephens has often shown his appreciation of the help rendered him in boyhood, by thus helping others. Thirty-six young men have been educated by him, many of whom now adorn the pulpit, the bar, and other honorable vocations.

Of the unostentatious aid that he has given the destitute, the widow and the orphan, of the naked clad, the hungry fed, the debtor loaned or given money, the soldier and his family cared for and supported, the sick and wounded foeman of the North visited and consoled, his young kindred of both sexes educated and prepared for life's great battle, and not less useful if less costly, his patient counsel and direction of the weak and erring, and the precept and example of honest life; all this must be gathered by the wayside from the recipients, for he talks not of it. Charity, like mercy,

"Is not strained ;

It droppeth as the gentle rain from heaven
Upon the place beneath ; it is twice blessed—
It blesseth him that gives and him that takes—
'Tis mightiest in the mightiest ; it becomes
The throned monarch better than his crown.
It is an attribute of God himself."

The best evidence of his manner of life, and its uses, is found in the fact of his utter disregard of money, except as a means of doing good. He has made much over one hundred thousand dollars at the practice of law, and yet his whole estate to-day is not worth over ten thousand dollars, and he has wasted no money and sustained no losses in either speculation or trade. It has gone in the continual drain of the thousand streamlets of charity.

He never kept an overseer on his plantation. It was carried on by his servants under his direction by letters while he was in Washington and Richmond.

His negroes all remain with him, all work well, and seem happy, cheerful, and contented. It is their special boast that they *belong* to "Mass Alic," while in his popularity and success they feel as much interest as if they were of his kindred.

In Mr. Stephens' collection of photographs, are some fine views, recently taken, of both his birthplace and his village home. Of the former, by the way, only the hearth-stones remain on the spot. Among the home views, are two groups of his family negroes, which he much prizes. One of them is of his old servants, "*Uncle Dick*" and "*Aunt Mat*," or Richard and Martha. We regret our inability to reproduce them among the home engravings of this book.

He never bought any negroes save at their own earnest request, for the accommodation of themselves and families. These two were bought in that way, and for many years before the war were comfortably supported, without rendering any service in return. "*Uncle Dick*" is now about eighty years old, and his wife "*Martha*" about seventy. They still have all their wants supplied by him, from whose door the needy, whether white or black, never went away empty. He supports and provides for another pensioner ("*Uncle Ben*") down at the old homestead.

We could fill many pages with stories and reminiscences of him, which his servants delight in telling to strangers—some of kindness, some of benevolence, some of humor—but this biographical sketch is already swelling beyond its intended limits.

In social qualities Mr. Stephens shines without intention or effort. His kind, genial face wins its way at once to the heart, and the stranger guest, approaching the great Georgian with reverential awe, finds himself exchanging witticisms, reminiscences, and anecdotes with a happy looking school-boy, who has a wrinkled face and wonderful eyes. At the dinner-table, with a pet dog or two awaiting notice and scraps from the table; with fat negro children looking into the door or boldly entering for the "bread and butter," which they like best from his hands; with no inspiration but cold water or creamy milk; thus minutes lengthen into hours, as he tells of the fellow immortals who, with him, strode across the boards of the nation's great stage; of the polished but harmless wit that irradiated the



Howard House, West Branch, Maryland

Georgia bar in its meridian days ; of the noble deeds that others have done ; of the grand thoughts that have fallen from other lips, and of the great and holy purposes that still, like the ashes of flowers, breathe fragrance around the altars of our common country. His prime was among those, who in other days would have been assigned places in the constellations, or been deified upon mythological altars ; men who have made their country's best history and glory. As his genial eloquence spreads out the intellectual scenery of the western world in its noontide hour, the guest forgets that one of the mightiest actors of the drama is the modest gentleman sitting by his side.

Yet, in his gayest humor, Mr. Stephens seldom tells a story or an anecdote, but in illustration of truth in fact or philosophy. On the hustings the shafts of his keen wit play like the lightnings, and the convulsed laughter or irrepressible shout of the audience, is the evidence that the splendid flash went with the thunderbolt that consumed his opponent. In brief, whether in social qualities, brilliant wit, convincing eloquence, womanly kindness, or delicate and unobtrusive sympathy, he has few equals and, perhaps, no superiors.

Mr. Stephens is a man of extensive reading and varied acquirements. He is fond of books of science, travel, philosophy, and history, but in theology has but one text-book, the little Bible that is always by him on the small table. Few divines are more familiar with its sacred text than he. He reads the better works of Victor Hugo, Dickens, and others like them, and the works of all the great masters in prose or verse. His favorite poets are Milton, Shakespeare, Pope, Byron, Burns, and Gray.

He says that Burns' short poem addressed to a "young friend," contains more true ethics and real chivalry than is to be found in whole tomes of volumes written upon the same subject. In his speeches at the bar before mentioned, he often quotes with wonderful effect from his favorite poets. We have said but little of his speeches at the bar, because they were all entirely extemporaneous, and were never reported. We have

some vivid descriptions of some of them by those who heard them, but want of space forbids their introduction. In one of these, in the county of Green, on the trial of a woman, poor, desolate, and unable to employ counsel, and for whom Mr. Stephens appeared without fee or reward, his quotation of the lines from Burns beginning with—

“Then gently scan your brother man,
Still gentler sister, woman, etc.”

can never be forgotten by those who heard it. The whole speech was electrical. The court-room at first filled with mirth, soon became grave, and then melted to tears. The evidence against his client being strong, though circumstantial, was not deemed positive; an acquittal was the result. Judge Harris, who presided, in giving an account of this wonderful speech, says to the author :

“This was the only case, either civil or criminal, tried before me whilst on the bench of the Supreme Court, in which my admonitions were unheeded by the jury.”

Few men have his power of swaying an audience with a few simple words, whether his own or borrowed.

One reason of the early and brilliant success at the bar, of which we have before spoken, was the fixed rule he adopted of never taking a case until it was thoroughly examined, and he was satisfied that the suitor applying for redress was entitled to it under the law. He has never made a charge for advice or legal opinion since his admission to the bar; never bringing a case without being perfectly conversant with the law affecting it, and having, as he supposed, the *right* on his side, he seldom failed in the end. He was never non-suited in a case in his life. He has defended many people charged with capital offences, and some have been found guilty and sentenced to death; but he has always succeeded in getting new trials in the court below, or the Supreme Court, thereby securing final acquittal or a mitigation of punishment. None were ever

executed, in all his vast practice of thirty-two years. His usual course was not to appear *against* any person charged with an offence involving life, and in no case did he ever do so, unless satisfied beyond doubt, not only of guilt, but that there were no mitigating circumstances.

On several occasions, where parties were likely to become victims of popular prejudice, he has volunteered, and saved the accused. In his own county, some years since, he saw that a slave woman was about to be convicted of an attempt to murder by poisoning. The evidence before the judge and jury was very strong, but all circumstantial. He, however, became convinced of her innocence, and volunteered in her defence. Before he closed, the judge and audience were well satisfied of the same. The jury were out but a short time, and when they returned with a verdict of acquittal, it was received with general satisfaction. The woman still lives, and often visits Liberty Hall, to testify her gratitude to him who she regards as, under Providence, her preserver.

The establishment at Liberty Hall, since Mr. Stephens' return from Fort Warren, is kept up just as it was before the war. No change is observable in any particular. Harry Stephens, the faithful servant, who nursed him in some of his severest illnesses, and who has so long been his *major-domo*, is still there, with his wife Eliza and their children, five in number. The oldest is a girl named Ellen, fifteen years old, and a son Timothy, or *Tim* as he is called, a boy about twelve. These, with the smaller ones, constitute the household servants. *George* is the assistant gardener. The two old people we have spoken of before. They all stayed, and took good care of the premises while the loved and honored proprietor was a prisoner. The routine of business has not changed, and while Mr. Stephens pays them wages, which they spend for clothing and things they need or want, there is no difference in the expense to him or comfort to them. The comfortable cottages in the yard, still open to the breeze that steals under the

shadows of the giant trees in summer, or glow with the huge fires of the winter; but all the time reveal the bright eyes, and dark-brown skins, and white teeth of the occupants. The children take learning in broken doses—that is, they study a very little, and play a great deal.

The only regular inmate of the house with Mr. Stephens, is John Alexander Stephens, his nephew, a son of his half brother, John L. Stephens, deceased. This young gentleman is engaged very successfully in the practice of the law, with a fair prospect of inheriting the fame and reputation of his uncle. He has charge of Mr. Stephens' library and papers. To him we are much indebted in the finding, arranging, and preparing the matter of this book, where there was such a mass of material to be condensed into so little space. Professor Richard M. Johnston, of Georgia, who, we understand, intends to prepare a much larger work than this, has also kindly given us access to some valuable papers. He had charge of all Mr. Stephens' most valued correspondence during the imprisonment in Fort Warren.

Amongst Mr. Stephens' peculiarities, which should not be omitted even in this outline, is his fondness for dogs. In this he resembles Sir Walter Scott and Henry Clay. In the earlier part of this work we referred to Troup Frank, and Sir Bingo Binks, his present pets, and also to the departed Rio, his greatest favorite in this line. This wonderful dog was his companion for twelve years. When he died, not long since, from the infirmities of old age, he was buried as we have said in the garden. It is Mr. Stephens' intention to erect a marble slab to Rio's memory, with the inscription which his brother, Hon. Linton Stephens, prepared soon after his death; and which we quoted in an earlier part of this biographical sketch.

It is said that the words in Webster's Bunker Hill speech, addressed to the Marquis Lafayette, who was present—"You are connected with two hemispheres, and two generations!"—were but a paraphrase of an exclamation addressed by him to



R I O .

a magnificent trophy of his hook and line, as he raised it from the water in one of his wonted angling excursions, for relaxation and recreation. Washington Irving, in his life of Goldsmith, traces two of the most beautiful lines in the *Traveller* to quite as curious an origin. He says: "We hear much about poetic inspiration, and 'the poet's eye in fine phrenzy rolling.' But Sir Joshua Reynolds gives an anecdote of Goldsmith, while engaged upon this poem, that is calculated to change our notions about the ardor of composition.

"Calling upon the poet one day, he opened the door without ceremony, and discovered him in the double occupation of turning a couplet, and teaching a pet dog to set on his haunches. At one time he would glance his eye at his desk, and at another shake his finger at the dog, to make him retain his position. The last lines on the page before him were still wet. They form a part of the description of Italy :

“ ‘By sports like these, are all their cares beguiled,
The sports of children satisfy the child.’

“Goldsmith, with his usual good-humor, joined in the laugh, caused by his whimsical employment, and acknowledged that his boyish sport with the dog originated the stanzas.”

Whether he, of whom we write, drew any of his inspirations or illustrations from similar sources, we know not; but if the half of what we have heard be true, Goldsmith never took more child-like recreation with his canine pet than did Rio's master with him. The first thing in the morning, upon rising and issuing forth, was a jolly frolic with his dog. Rio always slept in the same room with him, and when the master was ill and confined to his bed, the faithful brute was never out of the room, save for a few moments at a time, for days and weeks together. He accompanied his master almost everywhere he went except to Washington City. He was as well known on the railroads throughout the State as the statesman himself, and we have heard much, gravely told, of the sagacity, or rather *sense*, of this animal, which would be hardly credible to many readers. All that Youatt says of the poodle as a species is said of this specimen, and much more. He would close a door quickly and quietly upon being told, or bring a hat, cane, or umbrella from another room upon a like command. He not only knew the names of all the household, but actually seemed to understand the subject-matter of conversation. When orders were given by his master to have his trunk brought out to go anywhere, Rio did not need the appearance of the article to manifest his understanding and readiness to go. When sometimes left behind, he would go to the depot frequently on the arrival of the trains, and if his master did not get out would go through all the cars looking for him, and if not found, return home to await the next day's train. The conductors all knew him, and what he was about; and if, as sometimes happened, he did not get through his search before the cars started, the train was stopped for him to

get out. When the master happened to return by any other conveyance, a servant had only to say, "Rio, Mas' Alex's come!" and the dog bounded off with all possible speed to welcome and literally embrace him. His joy was manifested not only by putting his great paws on his breast, but by loud and protracted barking. Return from an absence was always announced to the village by the well-understood signal of Rio's bark.

Thus far has our little sketch lengthened out beyond the first intention, and in it we have often preferred to give the thoughts of eminent Americans rather than our own; while instead of merely saying that thus and at such a time and place Mr. Stephens was eloquent, to give his own words. Of his manner, the Promethean fire—given, not stolen—we can give no written adequate description.

His real history during the war that he tried to prevent, cannot be written, for it is only at the firesides of the land that it is known. He had taken high place without power, only in the hope of leading the new government from war to peace. He was best known in the hospitals and by the beds of soldiers. At the great departments, he was known as the quiet helper of petitions for the sick and the wounded soldier, whether friend or foe, the advocate of liberty for prisoners, or bringer of comfort and sympathy, when he could do nothing more. Trying always in every way he could to moderate the storm he could not stay; to heal the wounds he could not prevent.

As he states in his letter to Senator H. V. Johnson, he lives always with eternity in view; he has long since learned to look calmly through the mists of the river of death; and, perhaps, in the hush of his little room, when, beneath the starry midnight of his southern skies, he lies, with no companionship but his own habitual suffering, he has learned to listen unmoved for the phantom oar of the boatman pale, who ferries souls across the Stygian flood.

With an existence which is often like that of the "Man of

Uz," he bears the ills of life and complains not, but suffers and grows strong. We would not compare any human being to HIM "who was made perfect through suffering," but the man we write of humbly follows—

"That path of our ascended Chief,
Whose radiant footsteps lead to Heaven and God."

It is always a difficult and delicate task to write of the living good, even when

"The earth looks greener where their feet have trod,
And men have hailed them as the blessed of God."

The praise that properly and worthily crowns the tomb with *immortelles*, sounds like flattery in living ears. Mr. Tombs once said of Mr. Stephens: "He would not flatter Neptune for his trident, nor Jove for his power to thunder;" and while we would fain have *such* the truth of us, yet to speak of one of the greatest living orators and statesman without praise, would be to learn the eloquence of silence. As a public man, we may apply to him the saying of the Greeks: "What Themistocles was to the rest of the Athenians in acute foresight, wisdom, and vigor, Aristides was to every statesman in Greece, in incomparable purity and integrity of public life; and no one has dared to dispute his well won title of **THE JUST**."

Doubtless the severe ordeal of Mr. Stephens' boyhood, and the sufferings of his manhood, have had much to do with perfecting the character which we thus unhesitatingly present as a model for the youth of America. Well may Shakespeare say,

"Sweet are the uses of adversity,
Which, like a toad, ugly and venomous,
Yet wears a precious jewel in his head."

In his energy, his triumph over poverty, ignorance, and infirmity, his private and public usefulness, and his unquestioned morality, his example, like that of all other good men, seems to say:

“So live, that when thy summons comes to join
 The innumerable caravan, which moves
 To that mysterious realm where each shall take
 His chamber in the silent halls of death ;
 Thou go not, like the quarry slave at night,
 Scourged to his dungeon, but sustained and soothed
 By an unfaltering trust, approach thy grave
 Like one who wraps the drapery of his couch
 Around him, and lies down to pleasant dreams.”

His noblest deeds are in keeping with the precept, “Let not thy right hand know what thy left hand doeth,” and it is no purpose of ours to lift the vail which modest merit and Christian charity draws over its holy ministrations. Such things are laid up and numbered in the granaries of the stars, where there are no prisons and no sickness—where all men “love one another,” and the nations learn war no more.

When the holy labors of the Universe are reckoned up, perhaps the Judge of the quick and the dead will say unto him, “Insomuch as ye did it unto the least of these, my disciples, ye did unto me.”

Perhaps there never was a heart in more perfect accord with the great popular heart, and hence in full sympathy with human nature, than his. There is said to be an universal harmony and accord of all things, from God the soul of things, and that order which creates the fancied music of the spheres, down through all us his children, and all ranks of animate and inanimate creation. Thus the throb of life in the animalcule is but the far, faint echo of the parent life in God.

It is thus that the skilled interpreter of those inspirations of right drawn from the “Light that lighteneth every man that cometh into the world,” may without blasphemy, exclaim of the voice of the great popular heart, “*Vox Populi! Vox Dei!*” “The voice of the people is the voice of God.” It was thus, in the Oregon speech, that Mr. Stephens spoke of the politics of “good-will toward men.”

It is true that he who can read these *vera voces ab imo pectoræ*,

must always stand armed to repel the adoring instinct of humanity, that is prone to shout—"It is the voice of a God and not of a man," lest, as in the case of Herod, the Lord smite the pretender and he be eaten of worms and give up the ghost.

It is this sympathy with mankind, which renders Mr. Stephens as accessible and approachable as any man who ever lived, and enables him to wisely and judiciously aid those whom he never refuses to see and converse with. In this reading of human nature, in all its shades, there must be much of that strange rapture which Washington Irving tells of in those Magii of the Alhambra, who could interpret the voices of the air and forest, and understand the words of birds. Stephens is neither Magician, *Rosi-Crucian*, nor Gheber, yet his soul can arise to the unutterable grandeur of the universe, as nature or science opens God's great book at a page of stars, or the "Testimony of the Rocks;" or stoop with delight, with finger on the popular pulse—not thereby to arrange his own, but with physician instinct which seeks to hasten or retard, to stimulate or soothe, to know and to cure. ✓

Stephens is one of the poets who never sing, and can *feel* if not say—

"To me the meanest flower that blows can give
Thoughts that do often lie too deep for tears."

He has suffered much. He endures with the fortitude of an Indian, and when health returns and pain is over, no bird "rejoicing with its wings," has more full consciousness of the blessedness of being the mere rapture of existence. May the God of the good long continue his honest, earnest, faithful life; and may the unselfish labor for individuals and for his whole country, bear fruit many days hence, even like that seed sown in faith when the yellow flood of the Nile gives Egypt's breast its annual baptism. When he shall depart—not die—

"The honored gods
Keep Rome in safety, and the chairs of justice
Supplied with worthy men."

Since 1860 the writer of these pages has often been at Liberty Hall, enjoying its books, its quiet, and its hospitality. Therefore, this long talk on paper has seemed like re-gathering the memories of home, and the pages have become leaves in a chaplet of pleasant recollections. In closing, the feeling that he has not said enough is blended with the fear that he has not said the little well. Then, in bidding good-by to the subject, there is much of the same sensation as when departing from the roof-shelter beneath which so much kindness dwells, and grasping the extended hand of the statesman, while the lips utter parting words. The manuscript and the subject become interwoven, but we must leave for awhile our Georgia home, and the Man and the Book.

Good-by, kind friend, a long good-by,
Perhaps our earthly path will sever,
Until the ways of all converge
Upon eternal shores forever.

Past life's mid-day your years have gone,
While mine are climbing manhood's noon;
Both afternoons come fast enough—
And night; God only knows how soon.

Yet while the sun of life remains,
Poised in the sky of time's brief day,
May Earth's Inspector find some deed
Of both, that will not pass away.

Not in the nation's archives he—
Nor in the scroll of fame will look;
But where the record angel spreads,
Above the stars, his mighty book.

Not how illustrious, nor *who* praised,
Nor *when* the Senate's plaudits rung;
Nor marble shone, nor canvas glowed,
Nor what the Western bards have sung.

Poor trophies these to offer, when
The eternal gates of pearl unroll;
And God the Judge shall ask of Time
The record of a naked soul.

But when, 'mid prostrate angel ranks,
Your soul and mine shall meet again:
The Son may answer to his Sire,
"These men have loved their fellow-men."

No holier epitaph hath glowed
Upon earth's long historic page;
And *Love*, the dearest name of God,
Is crown alike for saint or sage.

Continue then those humble deeds,
Which only God and angels know;
And thou shalt find their fruit at last,
When time's "last thunders" peal below.

I envy not thy statesman crown,
Nor music of thy magic tongue;
Nor all the laurels *ever* won,
Since man hath wrote or poet sung:

But I would tell the world thy deeds
Till children emulous became;
And Christian statesmen keep through time,
The goodness of the Stephens name.

Thou hast nor wife, nor child to take
Thy mantle as thou leavest earth;
But children's children studying thee,
May still perpetuate thy worth.

Bright be thy setting orb of life,
Flower-strewn and green thy final sod;
The future grant her great rewards
Beyond the sun and stars, with God.

SPEECHES, LETTERS, ETC.

REPORT OF THE MINORITY OF THE COMMITTEE ON THE STATE OF THE REPUBLIC.

GEORGIA SENATE, 1842.

THE undersigned, members of the Committee on the State of the Republic, (to whom was referred so much of the Message of His Excellency the Governor, as relates to the Preamble and Resolutions of the last Legislature, transmitted to the Senators of this State in Congress, and the Address of the Hon. John M. Berrien, one of those Senators, to the people of Georgia;) differing so materially from the majority of the Committee in their views upon the several subjects referred to in their Report and Resolutions, beg leave respectfully, and as briefly as the circumstances will admit, to state the points of difference between them, and the reasons of their dissent from the conclusions of the majority. In doing this, they do not intend to travel over all the grounds occupied by the Preamble and Resolutions adopted at the last session, or to discuss the various principles therein embraced, but will confine themselves as closely as possible to the limits of the Report and Resolutions submitted by the present majority—nor do they feel any disposition to enter into the merits of the controversy between His Excellency and Senator Berrien, or to decide which is most chargeable with a breach of official decorum. It seems, however, that His Excellency was no less hasty than sensitive, in declaring that the Senator had declined a reply to “his own constituents,” but in an Address to “his,” the people of Georgia, “had been pleased to arraign his conduct.” The undersigned think that no disrespect or arraignment of His Excellency was intended by the Senator in any thing contained in his Address. It is true, that he assigns as a reason for his not replying immediately to the Legislature by whom the resolutions were passed, that he did not receive them “until after its adjournment.” But a bare reference to the paper, will show that he does not lay this to the charge of the Governor. His language is, that “if it had been in the power of His Excellency, and it had been agreeable to him to have forwarded the documents to me while the Legislature was yet in session, my respect for its authors

would have induced a prompt reply." In this there is certainly no *arraignment*, or censure of any person whatever, but the simple declaration of the reason why the Address was not made *promptly*, and to the *Legislature*, with a clear implication that the cause of the delay was neither in the power or control of the Executive. But whether the Governor has been equally courteous in his course toward the Honorable Senator, we leave for others to determine.

The undersigned cannot agree with His Excellency, or the majority of the Committee, in the idea, that the Members of the Legislature are the proper "Constituents" of the Senators in Congress. It is true, that under the Constitution of the United States, they elect them; but in doing this, they act themselves in a representative capacity. Constituent and Representative, we hold to be correlative terms. The Constituent is one whose rights and interests, to some extent, are confided or entrusted to another: that other, to whom such rights and interests are so confided or entrusted, is the Representative. The members of the Legislature, in electing a United States' Senator, are but exercising a delegated trust. That trust is limited in its extent, specific in its nature, and ceases with its execution. The appointment is only made through them by their own constituents; and the Senators, when so chosen, represent them or their interests no more than any other equal number of the citizens of the State. Nor are they any more responsible, or amenable to them, than any other like portion of the mass of the people. The fact, that the members of the Legislature of the respective States, under the Constitution of the United States, are made the Electors of Senators to Congress, in the opinion of the undersigned, no more makes them the "Constituents" of the Senators, than that the election of President and Vice President of the United States, being made by Electors chosen in the respective States, according to the provisions of the same Constitution, make such *Electors* the Constituents of these highest and most important officers of the Government. The cases, for illustration, are sufficiently analogous, and the principles applicable to one must be to the other. If the Legislatures of the several States are the "Constituents" of the Senators, then the Colleges of the Electors in the same States are the only "Constituents" of the President and Vice President of the United States; and the same doctrine of instruction, of course, would apply; for if applicable in one case, why not in the other? And with this construction, what would be the result of our entire system of political organization? It would only be necessary for the Electors in each of the States to meet, and by their instructions, to remove from office the Chief Magistrate of the country at every ebb and flow of party feeling, or change in popular opinion. But the undersigned do not so understand the Constitution; nor do they believe it was so understood by its framers or first expounders. They hold that the

PEOPLE of the States, and not the Legislatures, are the "Constituents" of Senators in Congress, and that the People of the United States and not the *Electors* are the "Constituents" of the President and Vice President of the Union. This was certainly the opinion of WASHINGTON, who, in one of his earliest Messages to the Senate and House of Representatives of the United States Congress, spoke of the People of the country as being his and their common "Constituents." Had he held the doctrine of the Governor, or the majority of the Committee, he could not have looked further or beyond the *Electors*, "the body from whom he derived his office," in referring to *his* Constituents. The majority of the Committee say, that "the Legislature has no power to compel a Senator to resign; but the theory of a Representative Government, and the delicate connection between the Constituent and Representative, imperiously demand, that whenever he ceases to subserve the object of his appointment, he should at once surrender the delegated trust—and tested by this plain and obvious rule, Mr. Berrien will utterly defeat the end and design of a Representative Government, should he continue to retain the office of Senator in Congress." Now, what peculiar opinions the majority may entertain of the *theory* of a Representative Government, by which they arrive at the conclusion stated, the undersigned are wholly unable to imagine; and as those *theoretical* views are not given, the premises from which the deductions are drawn, being unknown, the legitimacy of the conclusion must, as a matter of course, remain a subject of mere speculation. The undersigned, however, in arguing such a question, would state, that they recognize no principles or premises from which to start, but such as are to be found in the Constitution of the country. And taking this as *their* rule and standard, and confining themselves in their inquiries strictly within its *plainly* written and well defined provisions, they hesitate not to say, that the conclusion of the majority is altogether erroneous. If the majority have any other *theory* than that of the Constitution, the undersigned beg leave to say that they are not its advocates. They know of but one code of principles governing the question, and they are to be found in the fundamental law of the Union—the great chart of *our* Representative Government. The minority take it for granted, that what is meant in the Report by the expression, "when a Senator ceases to subserve the object of his appointment," is, when he ceases to effect or carry out the wishes of those whom the majority are pleased to call his *Constituents*; or, in other words, to conform to the wishes of a majority of the Legislature. With this understanding, it seems only necessary to compare the proposition with the principles assumed, as the standard to render its fallacy apparent to all. Ours is a Government founded upon compact. Its principles and powers are so well and clearly defined in the instrument of its creation, as to leave but little latitude for *theory* in its construction. Nor are the

duties, obligations, and responsibilities of those who officiate in its administration, less distinctly marked; and the provisions of all which, as well the powers granted, as the mode and manner of their execution, were wisely adjusted, with proper checks and balances, by its patriot founders, for the preservation of peace, liberty, and happiness. And according to the provisions of that instrument, the term of a Senator's office is fixed at the period of six years, and is not left dependent upon the fluctuations of party strife, or the sudden changes of factious majorities. It may be true, that the "*theory*" of the majority "*demand*s" a different term, or one upon different principles; but it is sufficient for us, that the *Constitution does not*. The propriety of this feature in the Government, is not now the question for remark. All that is asked, is, that it be acknowledged as part of the Constitution, and that as such, so long as it remains unaltered, it be maintained inviolate. We believe, however, that there is wisdom in the clause fixing the term of Senators as long as it is, and that it was not so arranged or adopted without many salutary views. If the framers of the Constitution had thought, as the majority do, that the holding of his seat, on the part of any Senator, against the wishes of a majority of the Legislature of his State, at any time, would utterly defeat the end and design of the Government they were forming, would they not have made the tenure of this office dependent upon different principles? If all the good, and the advantages which were supposed would be derived from the formation of this Government could be so easily defeated, is it not strange that so important an oversight should have been committed by men so distinguished for learning, wisdom, and patriotism? Such an argument, even if we were left to our own unassisted conjectures, would do injustice to their memories. But when with the light of their own exposition, we are taught that this feature was incorporated for the express purpose of rendering that branch of the National Legislature free from the influence and control of sudden changes in popular opinion, how can we or any one subscribe to the doctrine, that the affectuation by a Senator of this very original design, is a subversion of the Government, and a defeat of the end of its creation! And with these views and principles, we beg leave, respectfully, to declare our attachment to the Constitution of the country as it is, in preference to any undefined principles, or untried "*theories of a Representative Government*," entertained by those of a majority of the Committee. This expression of opinion on the part of the majority, we deem no less indiscreet in another consideration. Twice, at least, within the last four years, a majority of the Legislature of this State differed in most of the great questions of national politics, with both their Senators in Congress. Without stating what the course of those majorities then was, as a precedent now, it is sufficient for our present purpose to say, that the Senators continued to retain their seats; or, in the views perhaps of the

majority, "ceased to subserve the objects of their appointment." The same may be said of several other States of the Union; and what has been the result? Has the end and design of a Representative Government been thereby utterly defeated? And can the majority seriously entertain the opinion, that if the Honorable John M. Berrien, who deservedly stands among the first in the Senate of the United States, for learning and eloquence, and who is no less an honor to his State, than an ornament to the nation, shall continue to hold his place, though he may happen to differ at this time with the majority in the Legislature of his own State, on many questions of public policy, that this will result in an *utter defeat of the end and design of Representative Government*? We can hardly conceive that we have to do more than barely state the proposition to cause them, however strong may be their party zeal, at least to see the error of their position, if not to modify the extravagance of their assertion.

We might perhaps, with propriety, here dismiss the report, and let the balance go for what it is worth with the people. But as there are some statements of fact, in relation to public opinion in this State, upon certain subjects, to which our silence might be construed into assent, and which we deem equally erroneous as the abstract principles expressed, we must ask the indulgence still further, to be heard upon each of these particulars. Nor are these matters of small import, or such as the people have little interest in. They involve some of the most important principles of the Government, and vitally concern every interest and condition in society. None are so high as to escape their influence, and none so low as not to become the victim of their improper action. It is true that upon these questions, the Committee have not entered into argument. They satisfy themselves by giving merely a short declaration of facts. This perhaps is done for the purpose rather of forestalling public opinion, or at least to give tone to its direction. The public, nevertheless, have great interests involved, and we wish to examine somewhat, the authority by which they are fortified.

In the first place, it is gravely asserted that the people of Georgia are opposed to a National Bank. By the people, we presume are meant the voters of the State; and by what authority the majority was induced to make this declaration, we are also unable to conjecture. The sense of the people was certainly never taken upon the question. And we know not how the Committee undertake to say for the people, what they have never yet said for themselves. Whether a majority of the voters of this State, is for or against a Bank of the United States, we could not feel authorized to make a positive statement, one way or the other. For we are in want of that direct and convincing evidence which should ever govern us, in making a declaration of fact. But if enquired of touching our opinion of the state of public feeling upon the subject, we should be compelled to

give it in direct opposition to the statement made in the report. We mean the question of a Bank, compared with any other system of National Finance, which has been or is now proposed to the country. As there has been no direct vote upon the subject, we, of course, in the formation of our opinion, are left to such inferences as may seem clear and legitimate. This is the only alternative for ourselves as well as the majority. And by this standard, we are willing for our conclusions to be tested. Those who claim a majority against a Bank generally, refer to the elections of the State, and, pointing to the large vote given in favor of General Jackson, in 1832, immediately after the veto of the bill re-chartering the late Bank, seem exultingly to consider the argument as closed, or at least requiring nothing more than such confirmation, as subsequent elections have given. We object not to the *data*, but only differ in our inferences. To show the error of the inference so far as the vote given to General Jackson was concerned, it needs only to be stated that many of the warmest advocates of a Bank in this State, were his most zealous supporters. Things entirely inconsistent with the supposition that the question of Bank or no Bank, was thereby decided. And again, it is well known that General Jackson did not predicate his veto, upon the want of Constitutional power in Congress, to incorporate some sort of an institution of the kind. But in his veto clearly admitted the existence of such power. The friends of a Bank, therefore, compromised no principle in aiding him in his election, when he had shown himself with them upon the Constitutional question; and they had a fair and reasonable expectation of the union of his ability and influence in the establishment of a new institution, upon a more permanent basis, and with fewer objectionable features. Subsequent to this time, little was said, in this State, upon the subject, until 1837—after the expiration of the Charter of the old Bank, and that general derangement of the currency throughout the country, which soon ensued—when a “*crash*” in the mercantile world was felt—an extra Session of Congress was convened—a general suspension of specie payments on the part of the hundreds of State Banks, that had sprung up a short time before, was pervading the land—and business confidence was lost, and ruin and bankruptcy were the necessary results to hundreds of good citizens. It was at this time when the whole monetary affairs of the country were thrown into the utmost confusion, and seemed approaching the wildest disorder, as if society itself had lost its “poise or proper balance,” that this question for the first time was partially submitted to the people of this State, in comparison with its rival the Sub-Treasury scheme. And it is true, that in this contest, many who had before been opposed to a Bank, did not hesitate to signify their preference for it “with all its faults,” to the opposite measure. The first election thereafter for members of Congress, before whom these questions would come for action,

was in 1838. The ticket known to be in *opposition* to a Bank, was entirely defeated, while that which was *generally* supposed to be equally opposed to the *Administration measure* or the *Sub-Treasury*, with Mr. Habersham, an avowed advocate of the Bank, was elected by a very decided majority. It is true, some of those who were then elected with Mr. Habersham, did not fully agree with him, and one had, just before the election, declared himself in favor of the Sub-Treasury. But this was only known to a limited extent; and as to the effect which the declaration of his sentiments had where it was known, it is quite sufficient to add, that he received the lowest number of votes of those who were elected. Certainly the question of Bank, or a preference for it, over the then proposed system of the Sub-Treasury, entered more fully into the merits of the contest in that election, than it ever did before in any election in this State. And the result, so far as it was an index of popular opinion, does not justify the statement, that at that time the people of the State were opposed to a Bank, compared with its rival system. But the undersigned are of opinion, that if there has been any election of late years in this State, which should with propriety be entitled to the lead in deciding popular opinion upon this question, it was the contest of 1840. It was then that the currency—its derangement and irregularities, agitated the whole country. This was the theme of general conversation, and the topic of almost every controversy in politics. It is true that many other questions entered into that contest, but the opponents of a Bank asserted in every quarter, and proclaimed from their every press, that this was *one* of the *main questions*. And no doubt can be entertained, but that it was upon this, that the people were mostly excited; for it was in this that their interests were most deeply involved. It was the want of some regulation of the kind, that had injured their trade—destroyed their markets—paralyzed their energies—dried up their resources, and had brought ruin upon themselves. The whole people were aroused, and almost every man was at the polls. The result is too distinct in the recollection of all to need repetition. The ticket most favorable to a Bank was returned by a triumphant majority. While those who had been previously elected, when on a similar ticket after their position was known to the people, and their avowed preference for the Sub-Treasury had been generally understood, were as signally defeated. Judging from these facts, and all the influences that operated in that election, the undersigned hesitate not to say that in their opinion, so far as these results are to be considered as *indicia* of public opinion, instead of their being in opposition, they are decidedly *favorable* to the existence of such an institution in preference to the opposite system. With regard to those late or subsequent elections which are appealed to as being such strong confirmation of the inference, drawn in the first instance, the undersigned would barely make this remark—

that to the candid and considerate of all parties, it need only be stated, that the polls at those elections show a large portion of the people to have been absent. At the election just held for members of Congress, near six thousand voters of the State were not present, or at least did not vote. This election, therefore, was not a full expression of the opinion of the State upon any question. The absence from the polls of persons preferring a Bank, can be easily accounted for. Men do not generally exert themselves when exertion is useless. And so long as the present Executive of the United States continues in office, the friends of a Bank have no hope for its obtainment; and hence their apathy throughout this State at the late elections. The undersigned, therefore, abandoning these late elections as being no proper criterion of public sentiment in this State, upon this subject, and they not knowing a single instance of change of opinion unfavorable to a Bank, on the part of any person since 1840, but on the contrary, many instances of those who had been formerly opposed, yielding that opposition, and surrendering their own judgments to the wisdom of the founders of the Government, and to the experience of the most prosperous days of its history, declaring their decided preference to a system which has been so long and successfully tried, to any of the new and wild experiments which have been submitted to the country—they are bound to give it as their opinion, that a large majority of the people of this State regard such an institution as useful, necessary, and proper; and that when the opportunity comes for their action to be felt, and when the expression of their opinion in the National Councils, by their representatives, will not be thwarted or checked by the caprice, or ambition of *any* single individual, they will not fail to make it in as decisive tones as those which determined the ever memorable contest alluded to before.

But, in the second place. Another broad declaration made by the majority, and to which the undersigned cannot give their assent, is, that "*the people of Georgia are opposed to the distribution of the proceeds of the sales of the Public Lands.*" Now, how this conclusion is arrived at, we must confess that we are equally unable to determine. In this case, adopting the same standard as that assumed in the previous one, we certainly arrive at very different conclusions from those attained by the majority. If, by the phrase, "*the distribution of the sales of the Public Lands,*" it is meant to include the distribution which was lately expected to take place, certainly the committee will not even attempt to maintain their position; for if we be not misinformed, a place was left for the use of these funds in legislative appropriation even before their reception; and the present Governor of this State was amongst the earliest, if not the *first*, in the whole Union, to make application for the portion coming to Georgia. This, in our opinion, would not justify us in saying that the people were opposed to the distribution. But perhaps the majority mean only

to say that the people are only opposed to the *principle* of "the distribution," though they are willing and ready to receive their part when it is made. That

"The right they see, and approve it too,
The *wrong* condemn, and yet the *wrong* pursue."

But this would be giving the State such a position before the civilized and moral world, as we would be slow to acknowledge. And as we are unwilling to see this injustice done to her character by any such unauthorized statement, we feel bound to vindicate her honor from the unwarrantable aspersion. We believe that the State has applied for her quota because it was right and it was just, and that, for the same reasons, she could continue to demand it. But the question now is not the propriety of the distribution, it is whether the people of Georgia be opposed to it? and in determining it as before, we only have recourse to the indications of the past. So far as the application for her portion of the dividend expected to be made is concerned, that is certainly a strong demonstration in favor of the distribution. But this is not all. In 1837, when the large distribution was made of the surplus revenue of the United States, which accrued mostly from the sales of the Public Lands, Georgia showed no formidable opposition to the measure, but readily received her part, and thereby added over one million of dollars to the means of the Central Bank, to aid the people in her munificent loans. From these examples, how can it be said that her people are opposed to the distribution. But, again. In 1833, when the question as to the proper disposition of the Public Lands was before Congress, Georgia gave some expressions of the views of her people upon this subject, at least so far as a legislative resolve could, with propriety, be considered as such expression. The language of the Legislature at that time was in the following words: "Without specifically inquiring into the means by which the United States Government became possessed of the public lands, or the causes which, after the war of the Revolution, induced several of the States to transfer to that Government all, or a great portion, of their unoccupied lands, under certain limitations and restrictions, specified in the several deeds of cession or relinquishments, your committee deem it sufficient to state that those deeds and relinquishments, and all other purchases of lands by the United States Government, were made for the common benefit of the *several States*. That it is a common fund, to be distributed *without partiality*, and to inure to the benefit of all the States." Here is a most positive declaration of sentiment nine years ago, before any distribution had been made, that these lands were a common fund, not for the benefit of the General Government, to be wasted and squandered in useless extravagance, but for the *several States*—that is, each *individually*; and that this fund ought to be distributed among them without *par-*

tiality. How, then, in the face of this declaration, and after the distribution which has been made, and Georgia's reception or application for her portion, can we join in the assertion that her people are opposed to the distribution? But, as stated before, we apprehend the object is rather to form and forestall public opinion, than to express what it really is. For why should Georgia be opposed to this distribution? Has she no interest in those lands, and no right to a part of their proceeds? We conceive that she has; and that she should neither neglect her interest, nor relinquish her right. The territory of Georgia once extended to the waters of the Mississippi, including within its limits the present new and flourishing States of Alabama and Mississippi. This immense region, embracing some of the most fertile soil on the continent, was once the property of our fathers. Had it been kept and retained by them, it would have been worth millions of treasure; but for purposes more patriotic than prudent, they ceded this entire domain, forming the two States above named, to the General Government, under specific limitations and conditions. These were, that the lands, after the payment of a certain sum of money, and making good certain titles, should be held by the General Government as a common fund, for the benefit of the United States, *Georgia included*, and for no other purpose whatever. The language of the condition is as follows: "That all the lands ceded by this agreement to the United States, shall, after satisfying the above mentioned payment of \$1,250,000 to the State of Georgia, and the grants recognized by the preceding conditions, be considered as a common fund for the use and benefit of the United States, *Georgia included*, and shall be faithfully disposed of for that purpose, and for *no other use or purpose whatever*."

Similar deeds of cession were made by the other States, which were the proprietors of those territories which now also embrace parts of the public lands. The terms of the Virginia cession are very much like those of Georgia. They expressly stipulated that these lands "should be faithfully and bona fide disposed of for the purposes specified in the cession, and for no other use or purpose whatsoever." Now, these first objects of the deeds of cession having been fully accomplished, what do the advocates of distribution ask, but that the remainder of these lands shall be faithfully and bona fide disposed of, according to the terms by which the Government acquired them? Is it not right that Georgia, and other States, should insist upon the fulfilment of the contract, so far as their interests are concerned? And if it is right, why should it not be demanded? Is it sufficient to be met with the answer, that it is better for the General Government to keep these funds to meet its own ordinary expenses, rather than turn them over to the States to whom they rightly belong, for fear, in case of their withdrawal, that heavier contributions will be laid by way of taxation? We think not. It would be an

insufficient answer in any trustee, when called upon to account for funds committed to his charge, that he had used them in the payment of his own debts. Nor does it follow, that if these funds be distributed according to contract, that more taxes will be levied. The people will rather require the expenses and extravagances of the Government to be curtailed, which would be one of the most salutary ways of effecting that reformation. But this reply is only intended for deception and delusion. It is well known that millions of these lands have already been squandered in gifts, largesses, and donations, and are not brought in the common treasury of the country. For years past they have been kept as a kind of reserved fund of speculation for the political gamblers for the Presidency. Millions of acres have been given as bounties to schools and colleges, and other purposes in the new States; and every means has been resorted to, by the friends of different favorites, to secure the popularity of the man of their choice, by some new method of wasting the public domain. And the contest now is really not between the claims of the treasury and the friends of distribution, but between those who advocate a partial or entire surrender of the lands to the new States, and those who insist upon a division of their proceeds, according to the terms of cession. And are the people of Georgia willing to see these lands, and the immense interest she has in them, either so squandered, or entirely abandoned, according to the views of different political aspirants? Has she no use for money, that she should be so lavish and prodigal of her treasure? If the General Government is in debt, it has been incurred by its own profligacy; and should Georgia and the other States surrender their rights in order to sustain its credit, when their own is permitted to go dishonored? Let the United States account to us for what is our due, and we will not fail to render to them every dollar that is legally and properly exacted; or, in other words, let us but have *our own*, and we will be the better able to pay what is *theirs*. Georgia is certainly entitled to her proportionate share of the public lands, and it does not follow that, under any tariff regulation, even to make up the deficiency, that her citizens would consume, of foreign importations, the same *rateable proportion*. And when our State is in debt, and our people have to be taxed to sustain its credit, is it not better policy to be looking after her welfare, than to be consulting for the interest of the General Government? We need not apprehend but that *it* will always be sufficiently alive to its own interest; let us be but half as watchful of ours, and we shall have nothing to fear. Under the recommendation of his Excellency, the Governor, for heavier taxes, we believe the people of Georgia will greatly prefer the collection and reception of that which is due them, than to be made further subject to such burthens. Georgia, upon occasions that are past, has not been wont to surrender her rights; and when she speaks upon this subject, we

believe she will do as heretofore, show an entire willingness to yield to the General Government, and all others, what are their legitimate dues, while she still will insist in demanding, to the last cent, that which is her own.

In the third place: Another principle to which the people of this State in the report are said to be opposed, is "the abolition of the Veto Power." Had nothing else been said upon this subject, or no attempt been made, as we conceive, to misrepresent the views of our honorable Senator, in relation to it, we should have given the proposition our hearty assent. No man in the State, perhaps, is in favor of the abolition of the veto power. Judge Berrien certainly is not, so far as we can judge from his sentiments declared. No one can express his views upon the subject more clearly than he did himself, in the Senate of the United States. We beg leave to refer to his words, that none may misunderstand either *him*, or *that* modification of the veto power, of which he is in favor? "I ask," said he, "the Senate now to consider what it is the resolution proposes as a security against the recurrence of this state of things? Does it *seek to abolish the Executive Veto*? No, sir; this is not the proposition. It is simply to *modify the existing limitation*. Let us now look to the limitation which the resolution recommends. It proposes that when a bill, which has passed both Houses of Congress, shall be returned by the President, with his veto, all further action shall be suspended upon it, until the next succeeding session; in the mean time, the reasons of the President will be spread upon the Legislative Journal—will be read, considered, submitted to the public, and discussed orally, and through the medium of the press; and members will return to their constituents, will mingle with and consult them. At the opening of the next session of Congress, the resolution proposes that the consideration of the bill shall be resumed; and then if the majority of the *whole number of Senators and Representatives elected*; after the interval thus afforded for deliberation, for consultation with their constituents and for the public discussion of the subject, shall *reaffirm* the bill, it shall become a law."

Such are the sentiments of the Senator, and from which will appear how great injustice is done him in imputing to him a wish to *abolish the veto*. But the majority say, if the proposed modification should be adopted, "all our rights, and the *Constitution itself*, will be the sport of an *irresponsible majority in Congress*. This is bold language, and upon a grave subject, and therefore deserves particular attention. In noticing it we will suggest but three enquiries. In the first place: will not the rights of the people be as amply protected in the hands of a *number* of Representatives as by the *will of one man*? Would they be less secure with *their Representatives in Congress* than with the *President*? In the second place: if the Constitution should be so amended, would Congress have any more power over it *then*, than they have

now? Congress now has *no power over the Constitution*. They are bound by its precepts. And as the proposed amendment confers *no new power*, Congress, of course, would have no more power over it *after* the amendment than *before*. In the third place: How can the majorities in Congress be said to be *irresponsible*? Are they not elected by the people. Do not the members of the House hold their office for the short term of *two years*? Are they then not amenable to the people? If they do wrong, or misrepresent the wishes of those who elect them, will they not be displaced, and others put in their stead? Are they *more irresponsible* than the President?

But, in the fourth place: Another subject is mentioned in the report, on which the undersigned were desirous that no disagreement would have existed either in the Committee, or the House. We allude to the principles involved in the adjustment of the Tariff. Nor would we notice the subject at this time, if we did not conceive that there has been an evident attempt in this particular, also, to do great injustice to the position of our honorable Senator, in relation to it. The majority, in their first resolution, declare that "the opinions of the Honorable John M. Berrien, upon the adjustment of the Tariff, are in direct opposition to the principles of a large majority of the people of this State." And in their preamble, state that "a majority of the people believe that a Tariff for protection is unequal in its operations, oppressive, and unjust." From this the inference is clear, that principles are imputed to the honorable Senator, favorable to the enactment of a "*Tariff for protection.*" This imputation we deem utterly unfounded and altogether unjust. Judge Berrien has always been opposed to a "*Tariff for protection;*" or at least we supposed that this position would be granted him wherever the author of the "Georgia Manifesto" was known. Nor do the undersigned know with what recklessness of purpose, a contrary position is now charged upon him. Perhaps the same spirit, if unchecked, would lead its authors to make the same unwarrantable allegations against the whole political party, in this State, with which he acts. If so, our object is to repel even the insinuation. The opinions and principles of that party, upon the Tariff question, have always been known. They have undergone no change or mutation. And in making a declaration of them, we presume we would be but stating, in the main, those held and entertained by our Senator. We are, and have been, in favor of a Tariff for *revenue*, and *revenue only*; and that for *no more revenue* than is sufficient to support the Government in an economical administration thereof. We hold that in levying such a tariff, in many instances, it may be both proper and right to discriminate. This may be done either for the purpose of retaliating against the policy of foreign nations, who may subject our produce to heavy taxation, or for the purpose of exempting some articles of foreign production consumed

extensively in this country, (and in some instances, by classes less able to bear the burthens of the Government,) from so high duties, as others more able to sustain them. And as far as such a tariff incidentally encourages, fosters, or protects, the domestic industry of the country, in any branch thereof, whether mechanical, manufacturing, shipping, or agricultural, it may properly do so. A Tariff "*for protection*" to which we are and have been opposed, is, where the Tariff is levied *not with a view to revenue*, but for the prohibition, totally, or in part, of the importation of certain articles from abroad, that the producers of such articles in this country, may have our market to themselves, free from foreign competition; or that the price of the foreign articles may be so enhanced by the excessive duties, as to enable the home producer to enter the market without fear of competition. Against this, we protest, because the means used are not legitimate; and it is highly oppressive to the interests of all other classes in society, who are the consumers of such articles. As far as the Government, in the proper exercise of its powers, can give encouragement to the general industry of the country, or aid in the development of its resources, it should do it. But not one step beyond that should it go.

With these views we beg leave to submit the following resolutions:

Resolved, That the Hon. John M. Berrien, our Senator in Congress, for the able and distinguished manner in which he has discharged his public duties, receives our warmest approbation, and is entitled to the thanks and confidence of the people of Georgia.

Resolved, That we do not consider the members of the Legislature the proper *constituents* of Senators in Congress; or that the Senators in Congress are any more responsible or amenable to them than to any other equal number of like citizens of the State.

Resolved, That in our opinion, a majority of the people of this State are decidedly in favor of the utility and expediency of a National Bank, compared with any other system of Finance proposed to the country; as well as a distribution of the proceeds of the sales of the public lands among the States, *severally*, "*equitably*," and "*without partiality*."

Resolved, That, in our opinion, the most proper and expedient way of raising means to meet the ordinary expenses of the General Government, is by duties upon imports; and though in the levying of such duties, for this main object, a judicious and proper discrimination be exercised, yet in no instance should duties be laid *for the purpose of protection*, but, *for revenue only*.

ROBT. A. T. RIDLEY,
A. B. REID,
WM. B. TANKERSLEY,
JOHN CAMPBELL.

JOHN TOWNSEND,
JAMES T. BOTHWELL,
EZ. BUFFINGTON

SPEECH ON THE RIGHT OF MEMBERS TO THEIR SEATS IN THE HOUSE OF REPRESENTATIVES.

DELIVERED IN THE HOUSE, FEBRUARY 9th, 1844.

On the report of the majority of the Committee of Elections, which concluded with the following resolutions for the adoption of the House :

“Resolved, That the second section of an act for the apportionment of representatives among the several States, according to the sixth census, approved June 25th, 1842, is not a law made in pursuance of the Constitution of the United States, and valid, operative, and binding upon the States.

“Resolved, That all the members of this House (excepting the contested cases from Virginia, upon which no opinion is hereby expressed) have been duly elected in conformity with the Constitution and laws, and are entitled to their seats in this House.”

Mr. Stephens (succeeding Mr. Thompson, of Mississippi, in the debate) said :

MR. SPEAKER :—The gentleman from Mississippi who has just taken his seat, in order to sustain the position assumed in the first resolution upon your table, and which is now under consideration, (to wit : that the second section of the last apportionment act is “not a law made in pursuance of the Constitution of the United States,”) insists that the “power of districting” was never intended to be conferred by the 4th section of the 1st article of the constitution, either upon the general government or the State governments ; or, in other words, that the power or right of providing for the election of members to this House by *districts* was not, at the time of the formation of the Constitution, intended or understood to be embraced in the terms, “times, places, and manner of holding elections.”

In this, sir, I wholly disagree with him ; and, as the same view has been presented by others, and urged with some force, notwithstanding it has not been taken by the majority of the committee, I think it proper not to let it pass without notice ; and more especially as, in the opinions of some, the whole merit of the subject matter now before the House, turns upon this question. For they admit, if this power was intended to be embraced in the language used in this clause of the constitution, Congress has the same right to its exercise that the States have. And it seems to me that the admission is no less frank than it is legitimate ; for I cannot well perceive how any more power under the clause can be claimed for the States, than must be acknowledged, also, to belong to Congress.

The language of the clause is in the following words :

“The times, places, and manner of holding elections of senators and representatives shall be prescribed in each State by the legislatures thereof ; but the Congress may at any time, by law,

make or alter such regulations, except as to the place of choosing senators."

And, of course, so far as the language is concerned, whatever power over this subject is given *primarily* to the States, by this clause, is also given *ultimately* to this government. The only question, then, upon this point, is to settle the meaning of the words, or the extent of their comprehension. If we refer to the practice of the States as a rule to govern us in coming to a conclusion upon this point, all will admit that it is decidedly against the position assumed. Even from the beginning of the government, most of the States have exercised the power; and in "prescribing the times, places, and manner of holding their elections," have divided their territories into districts, and directed their elections to be held accordingly; the legality of which, upon this floor, has never been disputed. But to avoid the force of these examples, those who assume the position with the gentleman from Mississippi, say that the power of *districting*, which the States have exercised, is not derived from the constitution, but is one of the *inherent* rights of sovereignty in the States, which they possess independently of the constitution. Now, sir, this seems to me to be retreating from one difficulty only to encounter another, and a greater one. For I hold that the States have no right to representation here, either *inherent* or of any other character, except such as is derived through the constitution, and in such way, mode, and manner, as was agreed upon in the constitution. How is it that representation is apportioned among the States upon the federal basis, but because it was so agreed upon, and entered as one of the terms of the same compact which declared that the "times, places, and manner of holding elections" should be prescribed by the legislatures, subject to the control of Congress? Indeed, this view is conceded by the majority in their report; for they say: "Whatever power the States have over elections they derive from the constitution"—which is certainly true; for without the constitution there would have been no Congress, and no representation.

But, to settle the matter whether the power in question was intended to be embraced in the words used, I think we have only to refer to the history of the times, and see what those who made the constitution understood at the time to be the meaning and extent of the terms employed. I ask the attention of the House to the remarks of Mr. Madison upon this subject, made in the convention, when this clause was under consideration in that body. And these I read, sir, only for the purpose of showing what was then fully understood to be the extent of the power conferred by the words. These remarks were made (it may be proper for me also to add) when the second part of the clause was under consideration; that is, the propriety of giving the ultimate control over the subject to Congress. "This view of the question," said he, after some previous remarks, (see the

Madison papers, vol. 3, page 1280,) "seems to decide that the legislatures of the States ought not to have the uncontrolled right of regulating the times, places, and manner of holding elections. *These were words of great latitude.* It was impossible to foresee all the abuse that might be made of the discretionary power. Whether the elections should be by ballot or *viva voce*; whether the electors should assemble at this place or at that place; should be divided into districts, or all meet at one place; should all vote for all the representatives, or all in a district vote for a member allotted to that district;—these and many other points would depend upon the legislatures, or might materially affect the appointments." That is, if the controlling power were not given to Congress. For, said he further: "It seems to be as improper in principle, though it might not be as inconvenient in practice, to give the State legislature this great authority over the elections of the people in the general legislature, as it would be to give to the latter a like power over the elections of the representatives in the State legislatures."

That the same meaning was generally understood at the time, is abundantly established from other sources. But I will not detain the House by referring further thereto; and I only refer to these opinions now, for the purpose, as I have said, of showing what was understood to be the import of the words, "times, places, and manner of holding elections;" and that no person appeared at that time to entertain any opinion contrary to Mr. Madison, to wit—that "they were words of great latitude;" and that by them, or under their authority, the States would have power to decide "whether all the people in one State should vote for all their representatives, or whether all in a district should vote for a member allotted to such district." It is true, I might use the authority of Mr. Madison here quoted, to show that he was in favor of the incorporation of the latter part of the clause, which gives the controlling power to Congress, and that he went in argument so far as to say, in effect, that it would be as wrong in principle to leave this subject entirely under the control of the legislatures of the States, as it would be to give to the general government power to control the elections of the members of the State legislatures. But this is not my object at present, which is only to show that the power of "districting" is not only embraced in the words used *ex vi termini*, but was well understood to be so intended by those who made the constitution; and that it is in pursuance of the same that the States have ever since exercised the power. And if this point is satisfactorily established, as I believe it is, I leave it for gentlemen to decide whether, according to their admission, Congress has not the same right to its exercise that the States have.

There is, Mr. Speaker, another particular also, in which I do not agree with the gentleman from Mississippi. He says that if he believed the second section of the apportionment act to be

constitutional, he would not consent, coming as he does from a State electing by general ticket, to hold his seat in this House. Now, sir, I come from a State electing in the same way; and I believe the section of the act alluded to, and now under consideration, to be a constitutional law; and that it ought to be considered as operative and valid, touching the elections of members, in the organization of this House. Entertaining these opinions, I have been asked how I could consistently retain my seat as a member of this body, sworn as I am, to support the constitution. My answer is, that I submit the question to this House, the constitutional tribunal, for its decision. This, sir, is a constitutional question which individually concerns me but little; but one in which the people of the State I have the honor in part to represent, as well as the people of all the States, have a deep interest; and one in the settlement of which the same people have a right to be heard. The people of Georgia, sir, have a right to representation here, either by the general-ticket or district system. A majority of that people, I believe, agree with me that the district system, under existing laws, is the legal and proper one. And here I would respectfully dissent from the opinion of one of my colleagues, [Mr. BLACK,] expressed on a former occasion—that the people of that State were united upon this subject, and that the prevailing opinion of both parties was in favor of the general ticket. I think if there is any one particular in which both parties of that State are more nearly agreed than upon any other, it is the district system. At the session before the last of our legislature, the democratic party were largely in the majority, and an act was past districting the State, which was vetoed by the governor; and the late legislature, which was whig, passed another act of similar import, which has received the executive sanction, and which is now the law of the State. But I barely allude to this, to put the matter right before the House.

The question involved in the subject now under consideration, is one upon which great difference of opinion seems to prevail; and it is one neither for me or a majority of the people of Georgia, but for this House to determine. This House, by the constitution, is made the sole “judge of the elections, returns, and qualifications of its members,” and if you say that the members elected by general ticket are legally and properly returned, your decision, by the constitution, is final and conclusive upon the subject; and, in that event, a majority of the people of Georgia say I am to be one of their representatives; and if you say the law of Congress is valid, and ought to be regarded as such, why, the present delegation will retire, and another will be sent according to the provisions of the existing law of the State. In either event, the people, if represented at all, ought certainly to be represented by those of their own choice.

I have been told by some, that my position was like that of a

suitor at court, who claims a hearing, and at the same time, denies his right. By no means, sir. My position is more like that of the representative of a suitor at court, when there is *no doubt* as to the *right of recovery*, but some difference of opinion as to the right way to be pursued in obtaining it, and which is not to be settled by the suitor or his representative, but by the court.

Is a man to be deprived of his rights because he may differ from the court as to the proper form of action to be brought? Or, are a people to be disfranchised, because they may differ with this House, as to the proper and legal mode of election? When a man is sworn to support a constitution, sir, which provides for its own amendment, I hold he is as much bound to support an amendment, when made in pursuance thereof, as he was to support the original constitution; and when he is sworn to support a constitution which provides a tribunal for the settlement of any class of cases arising under it, where differences of opinion may prevail, he is as much bound to acquiesce in the decision of such tribunal when made, and to the extent made, until reversed, in any case so arising, as he was bound to be governed by his own opinions in relation to it before. This, sir, is one of the first principles of all societies, and part of the obligation of every individual implied when he becomes a citizen of government, or takes the oath of allegiance. Else, why should there be a tribunal to decide such questions, if obedience and acquiescence to the decision, when made, should not be regarded, in every sense of propriety, right and proper, both politically and morally?

Sir, without this rule, there could be no order and no government; but every man would set up his own judgment—or a much less safe guide, his own conscience—as the rule of his own acts; and the most lawless anarchy would be the result.

Why, sir, suppose the resolutions upon your table be adopted, and the sitting members from the four States elected by general ticket be declared by a vote of the House to have been duly elected, and your legislation proceeds: will the constitutionality of the acts passed by this Congress be inquirable into by the courts of the country upon this ground? Suppose, during the session, some law be passed, and carried by the votes of those members whose right to seats is now under consideration, making certain acts criminal, and subject to severe punishment; and hereafter, some individual, charged with a violation of that law, should raise the question of constitutionality, and insist, by way of defence, that it was no law, not having been passed by a Congress constitutionally organized: would his plea avail him any thing? or would it be entertained by any court. Would not every judge be bound by the settlement of that question by this House, to whom it has, by the constitution, been wisely and exclusively committed? I apprehend that he would, sir; and that, too, notwithstanding his own opinion might be opposed to that

of a majority of this House upon the question now before it. The judge would be shielded with the consciousness that, if the constitution were violated, it would not be by his decision; and so, sir, with me; if a constitutional law in the decision of this question be disregarded, it will not be by my vote or influence. But as I am sworn to support and defend that instrument, I do so to-day, and to the utmost of my ability; and if I fail in inducing this House to agree with me in opinion upon the question, I must yield my own to the opinions of the majority of those whose province it is to decide it. Neither am I unsupported by the ablest authority in the correctness of my position.

Mr. Madison, upon this subject, says :

“Has the wisest and most conscientious judge ever scrupled to acquiesce in decisions in which he has been overruled by the mature opinions of the majority of his colleagues, and subsequently to conform himself thereto, as to authoritative expositions of the law? And is it not reasonable that the same view of the official oath should be taken by a legislator, acting under the constitution, which is his guide, as is taken by a judge acting under the law, which is his.

“There is, in fact, and in common understanding, a necessity of regarding a course of practice, as above characterized, in the light of a legal rule for interpreting a law; and there is a like necessity of considering *it a constitutional rule of interpreting a constitution.*”—*Niles's Register, supplement to vol. 43, p. 28.*

This, sir, is the *rule* by which I am governed; and I have been the more full and explicit in giving it, because some, who are about as little noted for their sagacity as their integrity, have affected to feel such great surprise at what they consider the strange inconsistency of my position.

Having said thus much upon these points, I now come, sir, to the main question before the House, which is, the propriety of the adoption of the resolutions upon your table, which declare that the second section of the apportionment act, before alluded to, is not a valid and operative law; and, in consequence, that the elections in four of the States which have been held in disregard thereof, are nevertheless lawful and valid.

The language of that section is in the following words :

“That in every case when a State is entitled to more than one representative, the number to which each State shall be entitled under this apportionment shall be elected by districts, composed of contiguous territory, equal in number to the number of representatives to which each State may be entitled—no one district electing more than than one representative.”

The object of the section evidently was to legislate upon the places and manner of holding the election of members of this House, so far as to require such elections to be held by single districts.

The authority upon which the legislation was based, is the power

given to Congress in that clause of the constitution alluded to before. And so far as form is concerned, it is admitted by all, I believe, that the section in question passed strictly in pursuance of the mode prescribed in the constitution for the enactment of laws; that is, it passed this House, the Senate, and received the sanction of the President, and is found in the statute-book with the other laws of the land. And of course this House should require some strong reasons to justify it in the passage of a resolution which declares that, notwithstanding all these sanctions, it is no law, and of no binding force.

And here I will remark that I agree with the gentleman from Alabama [Mr. BELSER] as to the proper rule which should be adopted in its construction; which is the same that all courts adopt upon the construction of statutes touching their validity; that is, such construction should be given as will, if possible, sustain the law. The power of Congress, the subject-matter of the statute, with all its relations, should be so considered and construed, that the whole may, if possible, stand; or, as the courts say, "*ut res magis valeat, quam pereat.*" Not that I intend to insist upon any advantages that might be supposed to arise from the latitude of this rule; but I mention it barely because a contrary one has been suggested by some.

I have, Mr. Speaker, been an attentive listener during the progress of this debate, and I have, I believe, given no less attention to the arguments of the gentlemen who advocate the adoption of the resolutions, than to the report of the committee, and the reasons which seem to have led them to the conclusions expressed in the resolutions. And I think, upon proper examination and analysis, they will all be found to rest upon one of three positions:

1. That the section in question is inoperative and void, because Congress, by the constitution, has no power to legislate upon the subject.

2. That though Congress does possess the power of regulating "the times, places, and manner of holding elections for members of this House, yet it is limited in its exercise to the contingency of the failure or refusal of the States to do so; which contingency not having happened, it was improperly exercised, and therefore its action is void.

3. That though Congress does possess the power, and as absolutely as the States, yet the section in question is not such a full exercise of the power as to render it an efficient statute; and that it is so materially defective in itself as to be inoperative and void as it now stands.

Those who take the first ground agree with the gentleman from Mississippi who last addressed the House; and, as I have already answered that view, I will say no more upon it at this time. The report of the committee, however, and a large majority of those who advocate the resolutions, I believe it will be admitted, do not rest their argument upon that ground; they rely exclusively upon

the last two positions, neither of which seems to me to be any more tenable than the first; and each of them I will examine in its order.

The first position, then, assumed by the committee, is, that the power of Congress over elections of members of this House, "in prescribing the times, places, and manner," is a conditional or contingent power, or one only to be exercised upon the condition or contingency of the failure or refusal of the States to do so; and, as the contingency upon which it rests had not happened, its exercise by the last Congress was improper and void.

[Mr. DOUGLASS (the author of the report) here interrupted, and was understood to deny that the committee had taken that position.]

"I think, Mr. Speaker, that I will be able to show, not only to the House, but to the gentleman himself, that I am not mistaken in the position of the report. I have it before me, and from it I read as follows:

"The privilege allowed Congress of altering State regulations, or making new ones, if not in terms, is certainly, *in spirit and design, dependent and contingent*. If the legislatures of the States *fail or refuse* to act in the premises, etc., then the conservative power interposes, and, upon the principle of self-preservation, authorizes Congress to do that which the State legislatures ought to have done."

Moreover, the report goes on to affirm that "the history of the constitution, and especially the section in question, shows conclusively that these were the considerations which induced the adoption of that provision."

And again, says the report, in maintenance of the same principle:

"After the subject of this provision had been fully and ably discussed, maturely considered and unanimously adopted, the latter clause of the section conferring upon Congress the power to make regulations, or alter those prescribed by the States, was agreed to, with an *explanation* at the time that this was meant to give to the national legislature the power not only to alter the provisions of the States, but to make regulations in case the States should fail, or refuse altogether."

Now, sir, this is the argument; and so far as what is said of the explanation given at the time is concerned, even that certainly does not warrant the conclusion that the power conferred upon Congress by the clause was understood, either in spirit or design, only to be exercised in case of the *failure or refusal* of the States to do so; and that the general understanding at the time does not warrant such conclusion, I think abundantly evident from the history of that period. No clause in the constitution met with warmer opposition in the States; and nothing is clearer than that it was well understood that full power thereby was given to Congress to exercise absolute and

unconditional legislation upon the subject. This is apparent from the debates in all the States, as far as they have been preserved; and seven of the States ratified the constitution with a proposed amendment that the power, in this section, should be so far restricted as to limit its exercise by Congress to the contingency stated. The proposed amendment offered by Massachusetts is in the following words:

"The convention do therefore recommend that the following alterations and provisions be introduced into the said constitution: 'That Congress do not exercise the power vested in them by the fourth section of the first article, but in cases where the States shall *neglect* or *refuse* to make the regulations therein mentioned, or shall make regulations subversive of the rights of the people to a free and equal representation in Congress agreeable to the constitution.'"

The language of the amendment proposed by Virginia is in the following words:

"The Congress shall not alter, or modify, or interfere in the times, places, or manner of holding elections for senators and representatives, or either of them, except when the legislature of any State shall neglect, refuse, or be disabled, by invasion or rebellion, to prescribe the same." And, at the same time, "enjoined upon her representatives in Congress to exert all their influence, and use all reasonable and legal methods, to obtain a ratification of the foregoing alteration and provision, in the manner provided by the fifth article of the constitution."

North Carolina proposed the following amendment:

"That Congress shall not alter, modify, or interfere with the times, places, or manner of holding elections for senators and representatives, or either of them, except when the legislature of any State shall neglect, refuse, or be disabled, by invasion or rebellion, to prescribe the same."

But it is useless to multiply these instances. Similar resolutions, as I have before stated, were passed by seven of the States ratifying the constitution; which shows conclusively that, however much those States may have been opposed to the existence of such power, yet, nevertheless, it was well understood, at the time, that the power did exist under the constitution as ratified.

Nay, more, sir; I have before me the journals of the House of Representatives of the first Congress, in 1789; and, on page 86, I find that the following amendment to the constitution, which had been offered by Mr. Burke, of South Carolina, was acted upon, to wit:

"Congress shall not alter, modify, or interfere in the times, places, or manner of holding elections of senators or representatives, except when any State shall *refuse*, or *neglect*, or be unable, by invasion or rebellion, to make such election." Which was lost. And among those who recorded their votes in the negative, are Nicholas Gilman, Roger Sherman, and James Madison, who

were all members of the convention that formed the constitution. Sir, can any thing be clearer, or better established, than that it was well understood at that day that the absolute and unconditional power of regulating "the times, places, and manner of holding elections for this House," either in the case of the *failure* or *refusal* of the States, or not, was vested by the constitution in the general government? And not only this? but that, in the opinion of the wise men and pure patriots that composed the first Congress, it ought to remain there. And who there was no such understanding, as stated by the majority of the Committee of Elections, that it was to be exercised *only* in case of *failure* or *refusal* on the part of the States? That is the limitation to which the States before-mentioned wished to restrict it by amendment; and that is the limitation to which the proposed amendment in the first Congress was intended to restrict it, which has never been ratified, leaving the power as originally incorporated in the constitution.

Sir, is more light wanted upon this subject? or do gentlemen, ostrich like, expect, by hiding their own eyes, to extinguish the light around from the vision of others? You may, indeed, enshroud yourself in darkness, but it seems to me that you may as well attempt to extinguish the light at noon, so long as yonder sun courses his path in the heavens, as to envelop this subject in mystery or doubt, while the archives of your country remain unobliterated.

I come now, sir, to the arguments and reasons of those, who, abandoning the grounds of the first and second positions, attempt to fortify themselves under the *third*. They admit that Congress does possess the power, by the 4th section of the first article of the constitution, to regulate the times, places, and manner of holding elections for members of this House, so far as to require them to be chosen by districts; which, it is also admitted, was the object of the second section of the last apportionment act. They admit, also, that this power in Congress is not barely an *ultimate* one, to be exercised only in case of a failure or refusal of the State to exercise it; but that it is an absolute and controlling power, to be exercised at any time according to discretion. But they insist that the section under consideration is not such an exercise of it as should be regarded as law—that it was only an attempt at its exercise without such details as are necessary at all times to give force and efficiency to legislation—that if Congress had gone on and divided the States into districts, its action would have been both constitutional and binding; but that, as the section now stands, it is a perfect nullity within itself, until it shall be perfected either by the legislatures of the States, or this government, in the formation of the districts, etc.; or, in other words, that, as it now stands, it is nothing more than a direction, or a *mandamus* to the States, to form districts according to a general principle therein set forth, which they say this govern-

ment has no right to give. They insist that from the nature of the State governments, and the Federal government, each being confined within its own appropriate sphere of action, Congress cannot constitutionally pass any law, which for its full execution, will require the States to conform thereto, or perfect by their legislation.

This view of the subject is the only plausible one to my mind that has been presented, for considering the section in question as inoperative as it now stands upon the statute book; and to it I ask the particular attention of the House; for it is not only strongly relied upon by the majority of the committee in their report, but has been repeatedly urged in the debate with a great deal of speciousness, and by no one with more clearness and force, I believe, than by my colleague, [Mr. COBB,] who addressed the House on yesterday; and yet, I think it will be as unable to bear the test of examination as either of the others. The strength of the argument in this view, you will perceive, rests mainly upon the assumed principle, that, from the nature of the Federal and State governments, in our complicated form, in legislation each is confined to its own sphere; and that Congress cannot pass a law, valid in itself, or such as should be regarded efficient and operative, which, for its execution, will require State legislation; and that the States are not bound, under the constitution, to make such legislation, in any instance, as will be necessary for the full execution and operation of a law of Congress. That the laws of Congress, to be valid, must not depend upon such State legislation, but must operate *proprio vigore*, or not at all.

Now, sir, if this assumed principle can be shown to be wrong, the whole argument which rests upon it, as a matter of course will be overthrown; and that it is wrong, I think can be made appear, both from the constitution itself, and repeated precedents of legislation in our history. That the principle assumed as a general proposition is true, I admit; but that it is true in any case where there is such concurrent jurisdiction, or powers of legislation, if you please, given to the States and Congress over any subject, and the controlling power conferred upon the latter, as in the case now under consideration, (and there are several such in the constitution,) I am disposed to question.

I will illustrate, sir. By the constitution, it is made the duty of Congress, every ten years, from an enumeration made, to apportion the number of representatives to which each State may be entitled, according to the federal basis. And all that Congress does, or has done from the beginning of the government, in the exercise of this power, is barely to fix the ratio of representation, and by law to declare the number of representatives to which each State is entitled according to the same. Of course, it becomes the duty of each State immediately to prescribe such new regulations as may be necessary for conformity to the new

ratio. For instance : in all those States where the district system was the existing mode of electing representatives, it has been necessary for a reorganization of the districts, by State legislation, in each one of them, upon each apportionment. By the last apportionment, several of the States are entitled to a less number of representatives than before. Suppose these States had not reorganized their districts in conformity with the late apportionment act, and had sent the same number of representatives, and elected in the same way as before, would they be admitted upon the ground that the act was a *mandamus* to the States, and that Congress could pass no law requiring *conformity* on the part of the States in their legislative action ? Or is the second section of the apportionment act under consideration any more directory or *mandatory* to the States electing by general ticket, than the first section is to those electing by districts. All the States included in the latter class, I believe, have *conformed* to the first section, and without the slightest objection, as far as I have heard.

Why, sir, since the organization of the government, there have been six acts of apportionment ; and without giving their dates, or detaining the House by reading them, I will venture to say, that there has not been one of the six which did not require (not in words, but from the necessity of the case) a majority of the States, in pursuance of their constitutional duty, in order to secure a representation on this floor, to pass laws reorganizing their districts in conformity to the apportionment of Congress.

I give this as one instance of the error of the position.

Another, is the one alluded to by the gentleman from Vermont the other day, [Mr. COLLAMER,] relating to the appointment of electors for President and Vice-President of the United States. In the second section of the second article of the Constitution, it is provided that "each State shall appoint, in such manner as the legislature thereof may direct, the number of electors, equal to the whole number of senators and representatives to which the State may be entitled in Congress." And in the fourth section of the same article, it is provided that "Congress may determine the time of choosing electors, and the day on which they shall give their votes, which day shall be the same throughout the United States."

And in exercise of the power hereby conferred, Congress, by act approved 1st of March, 1792, declared that "electors shall be appointed in each State, for the election of a President and Vice President of the United States, within thirty-four days preceding the first Wednesday in December, 1792, and within thirty-four days preceding the first Wednesday in December of every fourth year succeeding the last election ; which electors shall be equal to the number of senators and representatives to which the several States may by law be entitled, at the time when the President and Vice-President thus to be chosen should come into

office: *Provided*, always, that, when no apportionment of representatives shall have been made, after an enumeration, at the time of choosing electors, then the number of electors shall be according to the existing apportionment of senators and representatives."

This, sir, has been the regulation of Congress, under which every President of the United States, from the first, I believe, has been elected, and to which every State in the Union has conformed, as it was in duty bound to do, and without which there could have been no election of chief magistrate within the time stated.

But again. By the 16th clause of the 7th section of the 1st article of the Constitution, power is conferred upon Congress "to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States; reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress."

Now, sir, as a *precedent*, I will not refer to the extent of power claimed under this clause, in the celebrated army bill of the administration in 1840, alluded to yesterday by the gentleman from Virginia, [MR. NEWTON,*] and which, I believe, was defended by many leading men upon this floor, who now denounce the second section of the apportionment act as a *mandamus* to the States. But I will ask the attention of the House to an act approved May 8th, 1792, entitled—

"An act more effectually to provide for the national defence, by establishing a uniform militia throughout the United States."

The third section of that act is in the following words:

"*And be it further enacted*, That within one year after the passing of this act, the militia of the respective States shall be arranged into divisions, brigades, regiments, battalions, and companies, *as the legislatures of each State shall direct*; and each division, brigade, and regiment, shall be numbered as the formation thereof, and a record made of such numbers in the adjutant-general's office in each State. Each division, brigade, and regiment, shall respectively take rank according to their numbers, reckoning the first lowest number highest in the rank. That, if the same be convenient, each brigade shall consist of four regiments; each regiment of two battalions; each battalion of four companies; each company of sixty-four privates. The said militia shall be officered by the respective States as follows: To each division one major-general and two aids-de-camp with the rank of major; to each brigade one brigadier-general, with one brigade inspector, to serve also as brigade-major, with the rank of major; to each regiment one lieutenant-colonel commandant,

* The 39th section of the celebrated army bill of Mr. Van Buren, was in the following words: "That the legislatures of the several States, at the earliest period of time after the adoption of the system, enact such laws as may be necessary to enrol and organize the militia of the several States according to the provisions contained herein."—*See. Ex. Doc. 1839, '40, vol. 4, page 13.*

and to each battalion one major, and to each company one captain, one lieutenant, one ensign etc."

Now, sir, this was alluded to also the other day by the gentleman from Vermont, [Mr. COLLAMER,] and, as a precedent upon the point now under consideration, I think it is quite analogous. It was a law passed in 1792; which, for its full execution, required action on the part of the legislatures of the States in *laying off* and *arranging the divisions, brigades, etc.*, and appointing officers according to the direction of the act. There was nothing then said about this act of Congress being a *mandamus* to the States, unauthorized by the constitution, and therefore *inoperative* and *void*, and such as the States should not regard. But every State in the Union immediately conformed thereto; and the same, I believe, is the basis of the militia organization of the country to this day.

Nor need I be answered, as I have heard suggested in conversation, that this measure was adopted before the people were much awakened to the encroachments of the general government upon the rights of the States. If there ever has been a period in our history, when the line that divides the powers of the State and federal governments from each other was more clearly defined and better understood than at any other, it was about the time of the passage of this act. It was then that Mr. Jefferson, the acknowledged champion of the rights of the States, was exercising his greatest vigilance in guarding his favorite object. It was just before, that even the incorporation of a bank was considered by him as unconstitutional, because, amongst other objections, it was supposed to encroach upon the rights of the States, in interfering with their laws upon the subjects of mortmain, descent, etc.

And yet no one amongst the most zealous advocates of the rights of the States at that day seems to have conceived the idea that the act in relation to the organization of the militia, was in the least degree in violation of those rights, or contained any unauthorized *mandamus* to control their legislation.

Nor need I be told that precedent is not constitutional power; and that because Congress has heretofore passed unauthorized acts, the practice should be continued. I do not refer to these precedents for any such purpose. But as I undertook to show that the principle upon which one of the positions assumed by the advocates of the resolution upon your table rested, was founded in error, I cite these examples to show that I am sustained in my view of construction by acts of the government, dating back almost to its beginning; and the constitutionality or validity of which has never been questioned. And from these instances and precedents, I respectfully submit whether it does not appear that Congress may, in some cases, arising under the constitution, pass an act good and valid within itself; and yet one which, for a full execution, will require conforming legislation on the part of the States. To my mind, this seems to be clear.

The only remaining question is, whether the second section of the apportionment act is one of that class and description. That it is, seems a fair inference from its striking analogy to the cases just referred to. But to put the matter beyond doubt, if possible, as it seems to me, I will give some other illustrations, touching the validity of acts of Congress upon subjects over which concurrent legislative power is given to the State and federal governments; answering, as I proceed, other arguments of the advocates of the resolutions; and in conclusion, show that the section in question was just such an exercise of this power by Congress as was originally intended by the framers of the constitution.

And first, I will take the case put by the majority of the committee in the report, which I apprehend to be one of the strongest to illustrate their position.

"Congress," say they, "possess the power under the constitution to establish uniform laws on the subject of bankruptcies throughout the United States." And further, they say, "suppose that Congress, instead of passing the late bankrupt law, had contented itself with a simple declaration, similar to the second section of the apportionment act, that all laws upon the subject of bankruptcies should be uniform in each State of the Union; that persons might be discharged from the payment of their just debts upon their own application, without the consent of their creditors, upon the surrender of all their property, except so much as the court might allow them to retain, not exceeding three hundred dollars; and that no man should be released from his obligations under any law which did not conform to these abstract principles: would these rules be valid and impose upon the States the duty of so changing their local legislation as to conform to the abstractions established by Congress? "If this cannot be done in case of bankruptcy," say they, "upon what principle is it that Congress may direct the legislative discretion of the States in regard to elections?" I answer, the cases are not analagous. The subject of bankruptcies is given *exclusively* to Congress by the constitution. To make the cases similar, let us suppose that the constitution had declared that "the States respectively shall establish laws on the subject of bankruptcy; but Congress may, at any time, make or alter the same." And suppose, in different States, various rules had been established, conflicting with each other; and Congress, for the purpose of creating uniformity upon this subject, had then established the general principle supposed by the committee: the cases would then be strictly analagous; and I apprehend that no court in the Union, under such circumstances, would permit a discharge of a bankrupt under any State regulations made in disregard of the general principle thus established by Congress.

Or take the clause of the constitution which gives Congress the power to establish uniform laws for the naturalization of foreigners. Suppose, instead of this power being given exclu-

sively to Congress, it had been given primarily to the States to establish such laws, with the proviso that Congress might, at any time, make or alter the same. And suppose, in some of the States, laws had been passed requiring a residence of ten years on the part of any alien, before he could be naturalized, or permitted to enjoy the privileges of a citizen; and in other States the period was twenty years; and in some of the States nothing should be required but an oath before a justice of the peace to support the constitution of the United States; and, under this state of things, Congress should pass a general law declaring that two years' residence should be sufficient; but that, in every instance of naturalization, the proceedings should be had before some court of record, etc., can any man doubt that such general law would be valid, or that any court would hold the proceeding had upon the naturalization of any alien, valid, which did not conform thereto? If not, no longer may the "constitution of the United States, and the laws made in pursuance thereof, be regarded as the supreme law of the land."

But, sir, my colleague [Mr. COBB] says that the concurrent and even controlling power of Congress over the subject of congressional elections, by which they can "make" or "alter" the regulations "of time, place, and manner," does not authorize them barely to "annul" and "abrogate," as he says this act does. And though I shall be able, I think, to show, presently, most clearly, that his view of the act in this particular is incorrect; yet, in answer to him, here I put the case supposed by the minority of the committee in their report.

Has not Congress the same, and even greater power over the whole subject, than the States have? My colleague admits that Congress has. Then, suppose that the State of Georgia had, by law, declared the same general principle which the act under consideration has, and had done nothing more, and such act had passed both Houses of our legislature, and been signed by the governor: would it not have operated as a repeal of the general-ticket system? He admits that it would. But then, says he, would be the time for the exercise of this conservative principle in the constitution on the part of Congress. Grant the fact: but the case I put to him is, if the State had so declared, by law, would she be entitled to a representation on this floor by members elected according to the old law, or could she have held any valid election until there had been further legislation upon the subject, either by Congress or her own legislature? That is the question. And if Congress has the same power as the State, is not the result practically the same, whether the law was passed by this government or the State government? But I said his view of the law, in this particular, I conceived to be wrong. He says the power to "make" is not a power to "unmake," and the power to "alter" is not a power barely to "repeal or annul;" and that, when Congress undertakes to alter any ex-

isting State mode or manner of holding elections, it must not be a bare repeal of such mode or manner, but something should be substituted for the provision changed. And I say, sir, such is the fact in relation to the act under consideration; and, without inquiring into the correctness of his position in general, it is sufficient for me to say that it does not apply to this case; for the act of Congress is not a repeal, but something is substituted in lieu of what is altered, as far as the alteration goes. It altered, if you please, the *general-ticket*, and substituted the *single-district system* in its stead, which, I apprehend, was exercising the power over the subject conferred upon Congress in just such a way and sense as was originally intended by the framers of the constitution. Their object in giving the controlling power to Congress, was to give Congress power to establish general principles upon the subject of elections for the purpose of having uniformity throughout the country, leaving the details and particulars to the action of the State legislatures. For, when Mr. Madison, in the Virginia convention, was asked by Mr. Monroe, "Why Congress had the ultimate control over the times, places, and manner, of holding elections?"—he said, "It was thought that the regulations of time, place, and manner, of electing representatives should be *uniform* throughout the continent. Some States might regulate the elections upon principles of equality, and others might regulate them otherwise. It was found necessary to leave the regulation of them in the first place to the State governments, as being best acquainted with the situation of the people, subject to the control of the general government, in order to enable it to produce *uniformity*, and prevent its own dissolution. And considering the State government and the general government as distinct bodies, acting in different and independent capacities for the people, it was thought that *particular regulations* should be submitted to the former, and the *general regulations* to the latter."

Now, I would ask, what Mr. Madison could have meant by *general regulations*, if he did not intend to include just such a *general principle or regulation* as that contained in the apportionment act, providing that all the members of this House, in all the States, should be elected by single districts; and leaving, as was originally thought best, the *particular regulations*—the *details*, if you please—the *laying off the districts, etc.*—to the State governments. But so far as the argument of my colleague upon this point is concerned, he is certainly fully answered in this: that Congress has substituted something in lieu of the provision altered. It *repealed*—or annulled, if he will have it so—the *general-ticket*, and substituted in its place the *single-district system*.

It seems to me, then, Mr. Speaker, to be clear, not only that Congress may, in some instances, pass a law constitutional and valid in itself, which will, nevertheless, require legislation on the

part of the States before its operation can be full and efficient, but that the second section of the apportionment act is just such a law; and, in exercising the power over the subject-matter, Congress went just so far as was originally thought to be best, and no further; and, having arrived at this conclusion, I will say nothing more upon this subject, but respectfully submit to the House whether, in the course of what has been said, it has not been made to appear—

1. That the “power of districting” is embraced in the terms, “times, places and manner of holding elections,” as used in the constitution, and consequently is vested in Congress.

2. That the power in Congress to regulate the times, places, and manner of holding elections for members of this House, is neither, in *letter* or *spirit*, conditional or contingent, dependent upon the failure or refusal of the States to exercise it; but is full and absolute, and to be exercised, as all other such powers, according to circumstances, and a prudent discretion.

3. That the second section of the last apportionment act (the object of which was to legislate upon this subject so far as to secure or establish uniformity of elections in all the States upon the single-district plan) seeks to do nothing which is not clearly within the power of Congress; and, so far from being so imperfect within itself as to justify its being considered inefficient or inoperative on that account, it is just such an exercise of the power of Congress over the premises as has often been exercised over other subjects, under other similar powers, and just such an one as was originally thought to be best by the framers of the constitution in this case; and, therefore, under no consideration, should it be pronounced by this House as either void, invalid, or inoperative.

And here, sir, I might perhaps properly close what I have to say upon this occasion, but there are one or two other matters growing out of this subject, to which I wish briefly to allude before doing so.

The majority of the Committee of Elections, in their report which is now under consideration, affirm that the “second section of the act of apportionment is an attempt, by the introduction of a *new principle*, to subvert the *entire system* of legislation adopted by the several States of the Union, and to compel them to conform to certain rules established by Congress for their government.

Sir, I cannot agree with the committee in opinion that such was either the object of the act in question, or can, in any way, be its consequence. If so, I should be the last to advocate the measure. I consider myself as one of those who hold the doctrine that the permanency of our institutions can only be preserved by confining the action of the State and federal governments each to its own proper sphere; and that, while there should be no encroachment upon the rights of the States by this government, there should

also, on their part, be no disobedience or failure to perform their duties according to the terms of the constitutional compact.

But, sir, is it true that the second section of the act alluded to does subvert the entire system of State legislation, or even attempts to do so? Have not all the States of the Union conformed thereto but four. Yea, all but three—for Georgia is now amongst those which have established the single-district plan of electing members to this House. And is not the system of our State legislation as fixed and firm as ever? Do we not regulate all such matters as belong exclusively to ourselves, as fully and as absolutely as before? Have we not our legislatures, our executives, our judiciary, and all our officers, military and civil? And do not all things move on as smoothly and harmoniously as before?

Sir, I do not see this entire subversion and breaking up of all the State institutions complained of by the committee; and suppose it must have its origin only in the heat of their own imagination. And I only allude to it to show the extravagance of the views entertained by the committee upon this subject, and which forms one of the links in that chain of argument by which they come to the conclusions expressed in the resolutions. Another point I would call attention to, is the remark made the other day by the gentleman from Indiana [Mr. KENNEDY].

He spoke of this as being a party question; and said all the democrats were made up in mind upon one side, and all the whigs upon the other.

Now, sir, though I admit that the whigs are mostly united upon one side of this question, and that a large majority of the democratic party upon this floor are also united on the other side (which I regret to see upon any great constitutional question,) yet, if I mistake not, this feature originated with a distinguished member of the democratic party in the last Congress, who now sits before me [Mr. CAMPBELL, of South Carolina]. And on the journals of that Congress, which are now before me, I see the names of several of that party recorded in favor of the measure.

And who, sir, moved, the other day, the adoption of the minority report? Was it not the gentleman from Alabama [Mr. BELSER]—a member of the democratic party, and one who favored the House also with a very able argument in favor of the validity of the section in question.

Another gentleman [Mr. ELMER] said, the other day, that he considered this question as involving the great principle which at first divided parties in this country—the federal, or those in favor of a strong national government, on the one side, and the republican, or those opposed thereto, on the other. If so, I ask the gentleman on which side of the line does he place himself and his friends. Certainly he is not on that side of the question upon which the distinguished leaders of the republican party stood in their day. I had thought that Mr. Madison stood amongst the first in the republican ranks. I care not by what party name

you characterize his position. In this matter, as in most others of a political nature, I profess to belong to his school; and I care not whether you call him a federalist, a republican, or a democrat. I regard the name but little. We, on the whig side, however, certainly follow in his lead upon this question, as I have before shown.

Upon the general policy of the single-district system, or its relative merits, compared with the general ticket, I do not know, Mr. Speaker, that it would be proper, at this time, to say any thing. But I should not feel that I had discharged my duty fully, if I permitted the occasion to pass without at least giving the expression of my opinion quite as decidedly in favor of the policy as the validity of the act now under consideration. I am, sir, a district man; and believe a large majority of the people of both parties, of the State from which I come, upon this subject agree with me in sentiment.

Sir, it is the most equal system. It is the most republican. It gives every section of the State a representative. It gives the minority in the State a voice in the national councils. It increases the responsibility of the representative to his constituents, and better enables the constituents, from personal acquaintance and intercourse, to judge correctly of the man to whom they confide the important trust of legislating for them. But I cannot enumerate the advantages of this system at this time. I will barely, however, add that, if from no other consideration, I should be in favor of it from its conservative tendency. Under its operation, parties in the different States are more nearly balanced against themselves, and their violence is more nearly neutralized by its counteraction. This tends very much to check that high degree of excitement, which otherwise would prevail on many questions, and might be most deleterious in its consequences. To be useful and salutary, laws must have some continuance and stability. But if the opposite principle should prevail, or, if even the four larger States in the Union should adopt the general ticket mode of election, who is so careless an observer of men and things as not to see the consequences that would result?

The representatives from each of these States, instead of being divided as they now are, so as almost to balance each other in party strength, would most probably all be on the same side of the question; and might, perhaps, be elected by only a few hundred majority in their respective States; and to the next Congress another delegation, equal in number and equally divided on the other political side, might be returned by about as large a majority the other way. The effect would be an entire change of measures; for the past admonishes, and the present speaks in language not to be misunderstood, that party rules every thing.

Sir, amongst the dangers to which our system of government

is exposed, I consider as not amongst the least, the effects upon the public interests of the country of those fearful shocks produced by the sudden change of such large party majorities upon this floor. The human system, in its soundest health and fullest vigor and strength, cannot long sustain its healthful action against quick transitions from the extremes of temperature. Sir, the most deeply laid and substantially built of human edifices cannot stand amidst the oscillations of an unsteady earth; nor can the government of a free people, the noblest of all human structures, remain firm, if its elements and foundations are subject to constant vibrations. Its basis is public opinion; and the elements of the human mind are not unlike those of the atmosphere about us—which, however, still, and calm, and quiet to-day, may be roused into the whirlwind to-morrow. And as the mild air we breathe, when put into commotion, assumes all the power and terrific force of the tornado, laying waste and in ruin every thing in its desolating sweep; so with the passions, prejudices, and ambition of men, when excited and aroused into factious strife; without reason or argument to control their action, every thing relating to order, right, law, or constitution, is equally disregarded, and government itself cannot be saved from its ruthless destruction. Wise legislation should always guard against every thing tending to promote such excitements. It was in this view of this subject, and to guard, as far as possible, against the liability of such results, that the same wise statesman—the pure patriot, the sage of Montpelier—to whom I have before alluded, while the adoption of the constitution was before the American people, urged upon them the necessity of establishing such checks and restraints in their government as would be a “defence for them against their own temporary errors and delusions”—assuring them that, if the people of Athens had had such provident safeguards for their protection, “they might have escaped the indelible reproach of decreeing to the same citizens the hemlock on one day, and statues on the next.”

Sir, there was wisdom and sound philosophy in these instructions, which were no more proper to be duly considered and regarded in the formation of a constitution than in every species of legislation, when the same object can be obtained. And the district system I consider one of those checks and safeguards which, I trust, will never be abandoned.

I thank the House, Mr. Speaker, for its attentive hearing. I will trespass no longer upon its patience. I have given you my views upon this subject. It was due to myself, to the country, and particularly to my constituents, that I should do so. I may be wrong in my opinions. I submit them to your consideration; and in the decision of the House I shall feel bound to acquiesce.

SPEECH ON THE JOINT RESOLUTION FOR THE ANNEXATION OF TEXAS.

DELIVERED IN THE HOUSE OF REPRESENTATIVES,
JANUARY 25, 1845.

MR. CHAIRMAN:—It is more from a sense of duty to myself, that my position and views may be correctly understood in the vote I may give on the several propositions now upon the table, as they may be severally presented when the hour of taking the vote arrives, than from any expectation of saying any thing interesting to the House, that I now venture to invite the attention of members to what I am about to offer for their consideration. The subject before us is of no ordinary importance. Its magnitude seems to be duly felt by every one. And seldom, perhaps, if ever, has it been surpassed in interest by any that have ever been discussed within these walls. It is a matter of great concern, as well to the people of Texas as to the people of the United States. Both countries, therefore, are anxiously watching its progress; for it involves, to some extent, the harmony, well being, and destinies of both. I have considered it a grave and momentous question from the time of its first agitation. And the same views must have struck not only the politician and statesman, but the most careless observer of public affairs and passing events. It is also a question which, to me, loses none of its interest as its decision approaches. Its vastness and magnitude, like great objects in nature, swell out and enlarge as we come nearer to it. The mountain in the distance, clothed in its "azure hue," looks all smooth and even; but experience as well as poetry tells us it is the *distance* that gives "enchantment to the view." Surveyed at its base, in the gloomy shade of its august frown, it no longer presents the delusive prospect of an easy, an enticing ascent. The abrupt front and rugged surface too plainly show the dangers and difficulties that beset and environ its few and narrow passes.

So, sir, with this subject, as we approach nearer to it, its surface is far from appearing even and smooth. Already we see its projecting rocks—the high impending cliffs—the deep ravines—the frightful chasms—and sometimes, I must confess, I fancy I hear the portentous rumbling of its slumbering volcanic fires. May God grant that my apprehensions may prove to be founded only in alarm, or that their destructive energies may never be fully awakened and actively aroused.

Before attempting, however, to encounter its difficulties or to surmount its heights, I will premise by stating, that, upon the abstract question of the annexation of Texas, or the union of the government of that country with this, upon just and proper prin-

ciples, I am favorably inclined, and have been from the beginning. But I am far from saying that I am in favor of any kind of a union, or that I am prepared to vote, as some gentlemen have said for themselves, for either or any of the plans for annexation which have been referred to this committee. With me, much depends upon the form, the nature, and the *terms* of the proposition; for while I might yield a willing and cordial support to one, I should not hesitate to give a similar opposition to another. I am far from declaring myself for Texas *any how* and *in any way*. The benefits to be derived from all human institutions, and the practical usefulness of all measures, even the wisest, depend eminently on detail—and upon my opinion of the propriety of the details of the several plans now before the committee will depend my vote when the question comes to be taken upon them, respectively. As much as I desire this addition to our Republic upon what I conceive to be correct and proper principles, yet upon others, and upon some of those now before us, I should not hesitate to reject it, as one of the greatest possible evils with which we could be cursed.

In what I have to say, therefore, for greater perspicuity, and for the purpose of being better understood in relation to the various plans, I will, if the committee will bear with me, proceed to state—

In the first place, what kind of a proposition I will not support; secondly, what kind of a one I will support; thirdly, notice some of the objections I have heard in opposition; and, lastly, if my time permits, offer some of the reasons which influence me in supporting such a measure as I shall state.

In the first place, then, I wish it distinctly understood, that I am opposed to the plan reported by the chairman (Mr. C. J. INGERSOLL) of the Committee on Foreign Affairs. That is the plan which is now immediately before us. It is an exact copy of the treaty rejected by the Senate last spring, and which I have never failed, upon all proper occasions, to condemn, ever since its provisions were made known. My objections to it are twofold. It leaves the slavery question, upon which so much has been said in this debate, unsettled; and it also provides for the assumption by this government of the debts of Texas.

My friend and colleague (Mr. HARALSON) yesterday, and another friend and colleague (Mr. COBB) whom I now see in his seat, the day before, stated that in Georgia men of all parties were in favor of annexation; but neither of those gentlemen, I presume, would venture to assert that any party in that State are favorable to annexation upon the terms of that treaty.

[Mr. HARALSON interrupted, and was understood to say that what he had stated, and now repeated, was, that the people of Georgia were in favor of immediate annexation, and he was prepared to carry out their wishes in any way the object could be accomplished.]

Mr. STEPHENS. Then I suppose the gentleman is prepared to vote for the terms of that treaty.

[Mr. HARALSON again replied by saying, as he was understood, that he did not intend to be driven off by a quibble of that sort; he was ready to vote for any proper plan.]

Mr. STEPHENS continued. No *quibble*, Mr. Chairman. I, too, am prepared to vote for any proper plan; but is that treaty, the proposition in substance now before us, a proper plan? That is the question.

That party with which I act in that State has always been in favor of annexation as soon as it could be honorably, peaceably, properly, and practically done, but no *sooner*.

And it is true, that the party with which my colleague acts, during the late canvass, went for "immediate annexation," as he stated—some of them upon one plan, and some upon another, and some upon no plan in particular, except to get the territory in any way possible, and then to "*lottery it off*" amongst the people. And calculations, I believe, were made in some parts, showing how many acres each voter would get in this way; all these "humbugs" had their day and champions, and perhaps answered their purpose. But amongst all the schemes advocated there, it was generally very carefully omitted to say much in defence of that treaty. Nor do I believe that the people of Georgia of either party, desirous as I know them in the main, of both parties, to be for annexation upon proper terms, would be willing to see it accomplished according to the provisions of that measure.

The same I will venture to affirm of the people of the South generally, of all parties.

Sir, the distinguished gentleman from South Carolina (Mr. HOLMES) the other day said, what I consider, in effect, as declaring that the Southern man who would vote for the terms of that treaty was either "a fool or a knave."

[Mr. HOLMES rose and said, that what he had stated was, that any Southern man who would consent to divide the Texan territory between the slaveholding and non-slaveholding interests would be either "a fool or a knave," and such was still his opinion.]

Mr. STEPHENS continued. Exactly so, sir; and so I understood him. And how did that treaty, or how does the plan now upon your table, dispose of and adjust those interests? Where is the guarantee it contains for the security of *any* portion, much less one-half of the country or territory, for the slaveholding interests? Upon this subject, which that gentleman thinks so vital and important, that treaty and the plan now before us are as silent as the grave! And would the Southern man who should vote to have the country equally divided between the slaveholding and non-slaveholding interests be any more "a fool or a knave" than the man who would vote for the acquisition of that

extensive territory, larger than several of the largest States of this Union together, or the Kingdom of France, as some gentlemen have said, bordering upon three of the slave States of the Union, without any settlement of that question, or adjustment of these interests? Leaving it for a future House of Representatives, where the majority it is known will be decidedly opposed to the slaveholding interests, to make the division? I should not call any man who may or might so vote either "a knave or a fool." I use no such language toward any member on this floor. I suppose every one will vote according to the dictates of his judgment, and what he conceives to be for the best interests of the country. This is the rule I claim for myself, and I am disposed to concede it to others. But this I will not hesitate to say: that no Southern man could pursue, in my opinion, a more unwise course than to vote for any measure upon this subject without a settlement and establishment of the line dividing those interests. If slavery is to exist in any part of the territory, let it be so stated. Let it be "so nominated in the bond." Let it be inserted in the compact of union, of whatever character it may be, whether in the form of a treaty, or a bill or joint resolution for her admission as a State, or in any other way. Nor can I say upon this point, with the honorable chairman of the Committee on Foreign Affairs, (Mr. C. J. INGERSOLL,) who reported this plan, which is so *mun* upon this most important matter connected with it, that it is unnecessary to adjust that question now; that "sufficient unto the day is the evil thereof." The authority of scripture, I admit, is good, when properly used; but, unfortunately, it is not always so applied. And whoever has read the history of the temptation in the wilderness, will doubtless agree with me, that this is not the first instance of its misapplication. I should rather say, let us not put off the evil hour—let the members from different parts of the country understand themselves upon this question at the threshold. Distinct understandings often avoid unpleasant differences and difficulties, as well between States as individuals. If Texas is to be brought into the Union, upon what terms is it to be done? Is it to be a free or a slave territory, or is it to be subject to the operation of the Missouri compromise within similar limits? The honorable chairman to whom I have just alluded, in a paper put forth by him last summer, said, in his classic language, that annexation would be the *euthanasia* of slavery, the easy death of that institution!

Is that the object, then, of those who advocate his plan? Do they intend, after carrying the measure for annexation, without any thing being said upon slavery, to oppose the admission of any slave State into the Union, formed out of that territory? Is this the object and design? If so, why not avow it? And, if not, why not say at once what part shall be admitted as States with slavery, if the people so choose? Why leave it an open question?

My reason for wishing it settled in the beginning, and for opposing any and all measures and plans which leave it unsettled, I do not hesitate to make known. I fear the excitement growing out of the agitation of the question hereafter may endanger the harmony and even existence of our present Union. Suppose this measure should pass—I mean the plan proposed by the Committee on Foreign Affairs—and Texas shortly hereafter should apply for admission as a State into the Union, and the restrictions proposed for Missouri should be imposed upon her—can any one be so blind as not to know what would be the result, or so infatuated as not to regard the consequences? If so, I confess it is not the case with myself. I have an ardent attachment for this Union. Upon its existence and continuance, our prosperity, happiness, and safety, depend. And patriotism—true patriotism—which, as I understand that term, means love of one's own country above all others—compels me to declare that, as much as I feel for the interests and welfare of the people of Texas, I feel much more for the interests and welfare of the people of this country; and as much as I admire the lustre of the "lone star," as some gentlemen have been pleased to designate our neighboring Republic, I feel much greater admiration for the bright galaxy of the twenty-six brilliant stars of our own glorious constellation; and rather than see her shooting irregularly from her place, producing disorder and confusion in our well-balanced system, I should greatly prefer to let her "beam on" with increasing splendor, as a fixed star in the political firmament. Though she might never reach the first magnitude, yet her position would ever render her conspicuous amongst the nations of the earth.

But if gentlemen from the North are sincere in their profession—if they consider the annexation of Texas a great national question—if our own greatness and glory are to be increased thereby, and our own union and harmony are not to be disturbed—if they are disposed to abide by the compromise established at the admission of Missouri, by which alone that harmony can be preserved, let them say so now, and leave no door open for future disputation, dissension, and strife. I speak plainly, and wish to be understood. I want to see no Grecian arts practised upon the South, or upon this country; and I want to see no huge "wooden horse" brought within the walls of this Confederacy, under the feigned auspices of any false divinity.

And now I must ask to be indulged in saying something upon the official correspondence connected with this subject, which, though it does not relate directly to the merits of the question, yet, nevertheless, is closely connected therewith. Against that correspondence, its spirit, its principles and doctrines, I protest. It has placed the annexation of Texas upon the ground of its being necessary to *strengthen* the institution of slavery in the States; and for this object, and with this view, this government is called upon to act and legislate in the case.

My objection is, that the general government has no power to legislate for any such purpose. If I understand the nature of this government, and the ground always heretofore occupied by the South upon this subject, it is, that slavery is peculiarly a domestic institution. It is a matter that concerns the States in which it exists, severally, separately, and exclusively; and with which this government has no right to interfere or to legislate, further than to secure the enforcement of rights under existing guaranties of the constitution, and to suppress insubordinations and insurrections, if they arise. Beyond this, there is no power in the general government to act upon the subject, with a view either to *strengthen* or *weaken* the institution. For, if the power to do one be conceded, how can that to do the other be denied? I do not profess to belong to that school of politicians who claim one construction of the constitution one day, when it favors my interests, and oppose the same, or a similar one, the next day, when it happens to be against me. Truth is fixed, inflexible, immutable, and eternal; unbending to time, circumstances, and interests; and so should be the rules and principles by which the constitution is construed and interpreted. And what has been the position of the South for years upon this subject? What has been the course of her members upon this floor, in relation to the reception of abolition petitions? Has it not been, that slavery is a question upon which Congress cannot act, except in the cases I have stated, where it is expressly provided by the constitution; that Congress has no jurisdiction, if you please, over the subject, and that therefore it is improper and useless, if not unconstitutional, to receive petitions asking what Congress cannot constitutionally grant? This has been the ground assumed by the South, and upon which these petitions have been rejected for years by this House, until the rule was rescinded at the beginning of this session. And however much gentlemen from different parts of the Union have differed in opinion upon the extent of the abstract right of petition, and the propriety and expediency of receiving all kinds of petitions, whether for constitutional objects or not, yet I believe they have always been nearly all agreed in this, that Congress has no right or power to interfere with the institutions of the States. This, sir, is our safeguard, and in it is our only security; it is the outpost and bulwark of our defence. Yield this, and you yield every thing. Grant the power to act or move upon the subject, yield the jurisdiction, call upon Congress to legislate with the view presented in that correspondence, and instead of *strengthening*, they might deem it proper to *weaken* those institutions; and where, then, is your remedy? I ask Southern gentlemen, where, then, is their remedy? We were reminded the other day by a gentleman from South Carolina, (Mr. HOLMES,) that we were in a minority on this floor. It is true, we are in a minority; and is it wise in a minority to yield their strong position, their sure and safe

fortress, to the majority, for them to seize and occupy to their destruction? No, sir; never. Upon this subject, I tell gentlemen from the South, and the people of the South, to stand upon the constitution as it is, and that construction which has been uniformly given to it upon this point, from the beginning of the government. This is our shield, wrought in the furnace of the Revolution. It is broad, ample, firm, and strong; and we want no further protection or security than it provides. But this is not all. That correspondence not only makes slavery a national question, and calls upon Congress to treat it as such, and legislate in reference to it as such, but it has even thrust the whole subject into our foreign diplomacy; and those State institutions which heretofore were never held to be proper topics for discussion and agitation, even upon this floor, are now deemed proper subjects of legitimate correspondence between this government, in its national character, and the most influential and powerful Courts of Europe. Where it will end, I know not. But the whole proceeding I consider as untimely, uncalled for, and exceedingly improper; and against it, as a Southern man, a Georgian, and as an American, I protest.

Upon the institution of slavery, sir, I do not intend to speak here, either of its origin, history, present condition, and necessity, or of its evils and abuses. It is not the proper place. I have been led to say what I have, in stating my first objection to the proposed plan for the annexation of Texas; which is, that it leaves this an open question, for mischievous and dangerous discussion hereafter.

The other objection to that plan is, that it provides for the assumption of the debt of Texas—at least, to the extent of ten millions of dollars. Nor do I consider this matter of debt “all smoke,” as another gentleman from South Carolina (Mr. RHETT) said the other day; or, at least, where there is so much smoke, I fear there is “some fire”—quite enough to “*blister* our fingers,” if we handle it much. There are other obligations, at any rate, which I think we would be doing much better to be looking after first. We ought to be just before we undertake to be generous. Georgia has not yet been reimbursed for expenditures made in behalf of the common defence during the late Indian difficulties; and the faithful soldier, in many instances, has not yet been successful in getting his honest dues for services and loss of property in those campaigns. We ought certainly to pay our own debts first; and after that, we have other debts, still much nearer home, if we are disposed to be liberal with the public money. Several of the States of the Union, unfortunately, are largely in debt. And I have not been a little surprised at the course of certain gentlemen upon this question, who were not long since exceedingly clamorous against the monstrous and unconstitutional assumption of the debts of the States, which was without foundation, and altogether gratuitously, charged upon

their opponents, but who now see no objection at all, no constitutional impediment, to the assumption of the debts of a foreign country. It is destruction to the constitution, according to their logic, to pay the debts of the States; but there is no obstacle, nothing more formidable than "smoke," which soon disappears and vanishes, in the way of paying the debt of Texas. There is one part of *Scripture* I would commend to the attention of such gentlemen; and it is that which describes the inconsistency of a class of people of old, who "strained at gnats, and swallowed camels."

But who knows the amount of our liability to be incurred by the assumption of that debt? It is true the committee only propose to pay ten millions; but who does not know, that if we take Texas, with her sovereignty, lands, and all her property, as that plan proposes, we will become liable for her whole debt, let the amount be as large as it may? And are gentlemen prepared thus to incur an unknown liability?

[Here Mr. C. J. INGERSOLL, chairman of the Committee on Foreign Relations, interrupted to explain, and stated that the ministers of Texas had estimated the debt at between seven and eight millions; but the committee had put the amount at ten millions, so as to cover every thing.]

Mr. STEPHENS continued. Yes, sir, I know all that; but will the honorable chairman of the Committee on Foreign Affairs undertake to say to the House that ten millions *will* cover the *present* debt of Texas?

[Mr. INGERSOLL replied, that he made the statement on the authority of the Texan ministers.]

Mr. STEPHENS proceeded. Yes, sir; but up to what time did that estimate refer? As far back as 1841; three—four years ago. It may have been going on and increasing ever since. I want to know what it is at this time. If I have been correctly informed, the authorities of Texas have not even kept an account of their debt since 1841, and do not themselves know its extent. If they did, why did not their ministers tell what it was in 1844? Either because they did not know, or because the amount was too frightful to disclose. Many men of fortune owed but little in 1841, who have long since been bankrupt. And people in debt are generally in the habit of *estimating* their liabilities far short of their real amount. It is sufficient for me that we have no authentic information upon the extent of that debt at this time; and the absence of information is ominous of itself. I have heard it estimated by some at twenty millions, others forty, and some as high as sixty. For my part, I should about as soon attempt to count the stars in the heavens, or estimate the "number of the dead," as to come to any accurate and satisfactory opinion upon the real amount of that debt, or the extent of the liability which this government would incur by a reckless assumption of it,

wholly in the dark, and without information. This leap I am not prepared to make.

For these reasons, I cannot vote for the proposition of the Committee on Foreign Affairs; and as my time is passing so rapidly that I shall not be able to notice the various other plans, the one offered by the gentleman from Illinois, (Mr. DOUGLASS,) and the one by the gentleman from Ohio, (Mr. WELLER,) and the one by the gentleman from Kentucky, (Mr. TIBBATS,) and the one by the gentleman from Alabama, (Mr. BELSER,) and the one by the gentleman from New York, (Mr. ROBINSON,) and various others—sixteen in all, I believe—I will briefly say, that each and every one of them is liable to one or the other of the objections I have stated, or other considerations growing out of the subjects to which I have alluded. I cannot, therefore, notice them singly and separately. All of them fall within the scope of my objections.

And I pass on to what I proposed to do in the second place; which was, to state what kind of a proposition for annexation I would support, and upon what terms and principles I would consent to a union of Texas with this country. These, sir, are embodied and set forth in the plan submitted by the gentleman from Tennessee (Mr. MILTON BROWN); and as that plan has been printed and laid before members, and gentlemen can read its terms at their leisure, if they are not already familiar with them, I will not detain the committee by a recapitulation. It proposes to admit Texas as a State at once, and leaves her debts and her lands for her own management, just as Georgia and other States, with their debts and rich domain, came into the Union at the formation of the government. Not only this, it settles the slavery question. It leaves no door open for future mischief, discord, and strife, from that quarter. It leaves no prospect for another Missouri agitation, which once came well nigh destroying the government; but it quiets and puts to rest forever all disturbance on that question, and that, too, upon the terms of the compromise agreed upon on the admission of Missouri. With that the country is familiar, and the people in all parts seem to be satisfied.

And, with this exposition, I shall say nothing further upon that point, but will proceed to notice some of the objections urged against the proposed action, which apply to this plan as well as others. These objections are of two classes: first, those which look to the foreign, and, secondly, those which relate to the domestic aspect of the question. I shall speak of each in their order.

First, of the foreign. And upon this view I wish to be understood as paying no regard to the various treaties which gentlemen have said so much about. I have nothing to say of the treaty of 1803 with France, by which Louisiana was acquired, or whether we did, by that treaty, actually get a good title to any

portion of the country west of the Sabine or not. Nor shall I say any thing of the treaty of 1819 with Spain, by which we got the Floridas, and agreed upon the 'Sabine as the boundary between us and the neighboring Spanish provinces in that quarter; or the treaty (of 1832) of amity with Mexico, after the establishment of her independence. All these, I consider, have very little to do with the real merits of the question. If we did get a good title to Texas by the treaty of 1803, we certainly parted with it, by solemn engagement, by the the treaty of 1819. Nor am I disposed to find fault with the treaty of 1819. By it we got, in consideration of five million of dollars, and the relinquishment of a disputed claim for all west of the Sabine, a settlement for all east, and the Floridas besides; which was a great acquisition at that day. It was so considered by Mr. Monroe, Mr. Calhoun, Mr. Wirt, and our own distinguished and highly gifted Crawford—all Southern men, statesmen and patriots. These all gave it their approval and sanction at the time; and I take it for granted that the treaty, under the circumstances, was not only a good one, but highly advantageous to the country. It was all-important for us to have Florida; and I do not see how we could well do without it. But even if that treaty were not a good one, we could not, in good faith, at this time, go beyond it. We would be estopped, by our own deed and compact. That, therefore, I think, is out of the question. Nor do I conceive that the treaty of 1832, between this country and Mexico, has much more to do with the case. Has Texas acquired her independence, and is she entitled to be considered as one of the nations of the earth? This is the only point, upon this view of the subject, entitled to consideration. And I confess this aspect of the case, in my opinion, has materially changed since this question was first started. Then it is true, after protracted and ineffectual efforts on the part of Mexico to re-establish her authority, there was no actual war going on in Texas; no *flagrans bellum* raging at the time. But the armistice which had for some time been agreed upon, and by which hostilities had been suspended, had just terminated, and a proclamation had been made by Mexico for a renewal of hostilities. There was every reason to expect that another effort would be made; and how far, under such circumstances, it was just and proper for this country to make herself a party to such war, as she would have done by taking Texas to herself, and how far our national honor and national good faith might have been involved in such course, was a grave and important question, and well deserving the calm and serious consideration of our government. A nation's honor and good faith are of great value—above all price—and should not be rashly sacrificed; they should be guarded, watched, and defended, with prudence, wisdom, firmness, and patriotism; and if error ever should be committed in regard to these, it seems to be the safer course to let the error be in a leaning to the side

of honor and good faith. But, apart from this, it was a grave question, how far it was discreet and proper for this country to involve herself in a war, even if, in the eyes of all the world, it should have been viewed right and justifiable, when not in defence of her own citizens. War at all times is a great evil; it is the *ultima ratio regum*—the last resort of nations for the redress of grievances, when argument and reason have failed; and while it should never be shunned or avoided when the case arises, it should never be courted in anticipation. All these views were presented by the circumstances when this agitation commenced; but since then we have seen that Mexico has failed to act in accordance with her proclamation; she has failed to renew the war. Her Congress, it is reported, has failed and refused to vote the necessary supplies—justifying the inference that she has abandoned the intention of making any further attempt to re-establish her power and authority in Texas, and leaving the present government in the possession of the undisputed sovereignty of that country, and fully authorized to be treated as other independent and sovereign powers. Nay, more: we see Mexico herself now convulsed with internal revolutions; intestine war now rages throughout her limits; and she seems no longer able to maintain her own institutions. The government in existence there so late as last year has recently been overthrown. Divided and torn to pieces by feuds and factions, she appears to-day much less stable, if not less capable of maintaining her independence, than Texas. Anarchy reigns throughout her borders, and it would be difficult to say if she has any government at this time, either *de facto* or *de jure*. Her claims, therefore, I am not disposed any longer to regard. She is clearly *hors de combat*, so far as this question is concerned; for if Mexico has abandoned the war, or forfeited her right by unreasonable delay, or has proved unable to carry it on, Texas has certainly established her independence, and is entitled to be considered and acted toward as other independent nations. And if this be so, of course our so considering and treating her cannot interfere at all with the obligations of our treaty of boundary and amity with Mexico. The only inquiry, therefore, upon the foregoing aspect of the question, is, whether Texas is now entitled to be considered one of the independent nations of the earth? And, for my own part, I see no reason why she should not be. As for England or France, or other countries, and their feelings and wishes, I have nothing to say. They have nothing more to do with the question than any other common intermeddlers in communities have to do with their neighbor's negotiations. It is no business of theirs. They have no right to say any thing; and if they do, they thereby become national intermeddlers, and should be treated accordingly.

But there is another class of objections, comprising those that grow out of the nature of our own government; they are of a

domestic character, and concern ourselves. These are of a constitutional origin, and deserve mature deliberation. It is said that the proceedings now before us are unauthorized by the fundamental law of the Union, and that we have no power to act upon the subject as proposed. The gentleman from New York (Mr. BARNARD) directed his whole speech yesterday to this point, and presented an argument which was highly complimented by the gentleman from Massachusetts (Mr. ADAMS) for its force and ability. That gentleman (Mr. B.) said that the House was proceeding "in contempt of the constitution," and that the proposed object was a "fraud" upon the constitution. These strong expressions were repeated, and fell with emphasis from the gentleman; and I listened attentively to his argument, to hear what reasons he would offer to sustain his assertion; for I held myself open to conviction. And if I could see that the course I intend to take was in *contempt* of the constitution, or that I was about to commit a *fraud*—a "gross fraud" were his words—upon its provisions, I should most certainly abandon the project.

When I cast my eyes, Mr. Chairman, over the surface of the world, and survey the nations of the earth, and see that the people of the United States alone, of all the millions of the human family who live upon the habitable globe, are really free, and fully enjoy the natural rights of man; that all other parts are dreary, wild, and waste; and that this is the only green spot, the only oasis in the universal desert—and then consider that all this difference is owing to our constitution; that all our rights, and privileges, and interests, are derived from and secured by it, I am disposed to regard it with no trifling feelings of unconcern and indifference. It is, indeed, the richest inheritance ever bequeathed by patriot sires to ungrateful sons. I confess, I view it with reverence; and, if idolatry could ever be excused, it seems to me it would be in allowing an American citizen a holy devotion to the constitution of his country. Such are my feelings; and far be it from me to entertain sentiments in any way kindred to a disregard for its principles, much less in contempt for its almost sacred provisions.

But how is it? Let us examine the matter. The gentleman objects to the *acquisition of territory*, as he calls it, by joint action of Congress, or by any action of Congress in its legislative capacity.

His arguments rested upon the assumption, that Congress, in its legislative character, could not exercise any power which was not expressly granted, or such as might be necessary to carry out those which were expressly granted; and that there was no original substantive power granted in the constitution for the acquisition of territory. This was not one of the original designs in the formation of the government, and was not one of the objects to be attained, as specified in the constitution. He admitted that territory might be acquired, if it became a necessary incident to the proper exercise of other powers, such as the

treaty-making power, etc., but denied that the present proceedings proposed to exercise it in that way, and therefore was unconstitutional.

Now, suppose I grant his position and his premises entirely, does his conclusion, in reference to the proposition I advocate, necessarily follow? Do the resolutions of the gentleman from Tennessee (Mr. BROWN) propose to *acquire territory*? We are often misled by the use of words. Words, some writer has said, are things; and much misapprehension, I think, has been produced by the terms used in this debate. We have had "annexation," and "re-annexation," and "*acquisition of territory*," until there is a confusion of ideas between the object desired and the manner of obtaining it. To *acquire*, conveys the idea of property, possession, and the right of disposition. And to *acquire territory*, conveys the idea of getting the rightful possession of vacant and unoccupied lands. If this be the sense in which the gentleman uses it, I ask, does the plan of the gentleman from Tennessee propose to do any such thing? It is true, it proposes to enlarge and extend the limits and boundaries of our Republic. But how? By permitting another State to come into the Union, with all her lands and her territory belonging to herself. This government will *acquire* nothing thereby, except the advantages to be deprived from the union. And, if I understand the original *substantial* design of the constitution, the main object of its creation, it was not to *acquire territory*, it is true, but to form a Union of States, a species of confederacy; conferring upon the joint government of the confederation, or union, the exercise of such sovereign powers as were necessary for all foreign national purposes, and retaining all others in the States, or the people of the States, respectively. This was the design, this was the object of the constitution itself, which is but the enumeration of the terms upon which the people of the several States agreed to join in the union, for the purposes therein specified; and in this way all the States came into it, Georgia amongst the rest, with her rich western domain extending to the Mississippi, out of which two States have since grown up, and have been likewise admitted. When the government was first formed, North Carolina and Rhode Island refused to come in for some time. It was not until after it was organized, and commenced operations by eleven of the States, that these two consented to become members of the Union. Could the United States, those eleven which first started this general government, be said to have acquired territory when North Carolina was admitted? or the twelve, which composed the United States when Rhode Island came in? There was in each of those cases an addition of a State, and enlargement of the confederated Republic, just as there will be if Texas be admitted, as proposed by the gentleman from Tennessee, but no acquisition of territory, in the common acceptance of that term.

How far, and in how many ways, this government can constitutionally acquire territory literally, as I have explained, Mr. Chairman, I do not think a pertinent inquiry at this time; but I have no hesitation in saying, that I think it can be done in various ways, and without resorting to the exercise of incidental powers. And upon this point the argument of the gentleman from New York was strangely inconsistent with itself; for he admitted that we could constitutionally acquire and hold territory by the right of discovery; and yet, where does he find this power amongst those specified and expressly granted in the constitution? I might ask, as did the gentleman from Massachusetts, (Mr. WINTHROP,) if it was one of the original designs and objects in forming our government "to go in quest of foreign lands?" There is no such object stated, and no such power expressly given. And in the case the gentleman admitted, it strikes me that it would be hard to point out the one to which it is even *incident*.

But sir, I do not grant the position assumed by the gentleman from New York (Mr. BARNARD). I have only been showing, that, if I were to grant it, it would not effect my case. And I now state, that I believe nothing is clearer than that this government can in various ways acquire territory, and that this can be effected if desired by Congress in its legislative capacity, and under one of the express provisions of the constitution. This I do not adduce in support of the proceedings I advocate, or to show that they are constitutional, but barely to expose the fallacy of the argument of the gentleman from New York.

I read in the second clause, latter part, of the tenth section of the first article of the constitution, the following words :

"No State shall, *without the consent of Congress*, lay any duty on tonnage; keep troops or ships of war in time of peace; *enter into any agreement or compact* with another State, or with a *foreign power*," etc.

Now, suppose Congress should, in its legislative capacity, for it could do so in no other way, grant its consent to Louisiana or Arkansas to enter into an "agreement or compact" with Texas, or Mexico, if you please, for the cession of certain territory bordering upon those States, upon the conditions that one half of the unoccupied lands so ceded should belong to the State making the negotiation, and the other half to be ceded to the United States, and to be held subject to the laws regulating her other public domain; with the further condition, that, so soon as the territory so ceded should become sufficiently populated, it should be admitted as one of the States into this Union: can any gentleman say that Congress has not got the power to give such consent? And, if such consent should be given, and such agreement and compact be entered into, that Congress would not have, in that way, most clearly, acquired territory in its legislative capacity, and that under an express provision of the constitution?

But, as I said, I do not rely upon that view; I do not and am not advocating that mode of proceeding. I was only tracing the argument of the gentleman from New York, who broadly denied any such power to Congress. I do not propose, it will be recollected, to acquire territory, as I understand it, at all, but simply to admit a new State into the present union of States. And the authority upon which I rely is no *forced* construction, but the plain simple language of the constitution, which declares, in the first clause, third section, fourth article, that—

“New States may be admitted by Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States or parts of States, without the consent of the Legislatures of the States concerned, as well as of Congress.”

The terms here used are broad, unqualified, and unrestricted. “New States may be admitted by Congress into this Union.” But it is said that it was only meant by these words to give the power to admit States formed out of the territory of the United States, and within their jurisdiction, and not to include a foreign State. To this I might reply, that it is the *petitio principii*—a begging of the question. Whether that was the meaning and intention, is the main inquiry; and from the words used, no such inference can be drawn. But the gentleman from New York says he believes that was the meaning and intention; and, further, that he believes, if any other opinion had been entertained, the constitution would never have been ratified. Well, sir, his belief is not argument. I suppose that every true Mahometan verily believes that Christ was an impostor. And I will do the gentleman from New York the justice to admit that his faith is quite as strong; but we are taught that we should not only *believe*, but be able to give a “reason for the faith that is in us.” And here, again, I listened for the reasons of the gentleman’s faith, but heard nothing better than a repetition of his belief.

Let us, then, examine the matter. If there is any difficulty, we must look to the words, the objects, and contemporaneous history. As to the words, they are quite unambiguous. The term “State” is a technical word, well understood at that time. It means a body politic—a community clothed with all the powers and attributes of government. And any State, even one of those growing up in the bosom of our own territory, upon admission, may be considered to some extent foreign. For if it be a *State*, it must have a separate government; it must be a political community of itself; it must have a government separate from, and to some extent independent of the Union. For if it be in the Union, then it could not be admitted; that cannot be admitted in which is already in. And if it is a *State*, and out of the Union, seeking admission, it must be considered *quo ad hoc* to be foreign. Now, as to contemporaneous and subsequent

history. What relation did North Carolina hold to the Union when it was first formed? She refused to ratify the constitution, and was most clearly out of it. The last article of the constitution declared—

“The ratification of the conventions of nine States shall be sufficient for the establishment of this constitution between the States so ratifying.”

But more than nine ratified; eleven did; leaving North Carolina and Rhode Island out, as before stated. The Union was formed, and the constitution established, for those that had ratified, and the government proceeded to organization. North Carolina was then certainly out of the Union. She had the right and power to remain out. If she had, would she not have been foreign to it? And, consequently, was she not foreign whenever the government went into operation without her ratification? The case of Vermont is more in point. She was a separate and independent community, with a government of her own. She was not even one of the original revolting thirteen colonies. She had never been united in the old Confederation, and did not recognize the jurisdiction of the United States.

[Mr. COLLAMER, of Vermont, interrupted, and said, that Vermont did at that time fully recognize the authority of the United States.]

Mr. STEPHENS. Yes, sir, but not *over her*. She recognized the authority of the United States as we do that of France or England, or any other foreign power. She was a distinct, independent government within herself. She had her own constitution, her own legislature, her own executive, judiciary, and military establishment, and exercised all the faculties of a sovereign and independent State. She had her own post-office department, and revenue laws, and regulations of trade. The United States did not attempt to exercise any jurisdiction over her. The gentleman from Vermont says, that New York claimed jurisdiction over, and finally gave her consent for the admission of Vermont as a State. This is true. But Vermont did not recognize the jurisdiction of New York; she bade defiance to it. And after years had rolled on in this situation, she treated with New York, as one sovereign treats with another, and paid thirty thousand dollars to New York, for a relinquishment of that jurisdiction which she would not allow to be exercised, and was then admitted into the Union as one of the States. These are the facts of that case. Again: from the contemporaneous history of the times, is it a violent presumption to suppose that the convention, at the time this clause of the constitution was inserted, were looking to the probability of some of the other British colonies throwing off the government of the mother country, and uniting with us? We know that the old Articles of Confederation had been adopted with that view, for they contained an express provision, that—

"Canada, acceding to this confederation, and joining in the measures of the United States, shall be admitted into and entitled to all the advantages of this Union; but no other colony shall be admitted into the same, unless such admission be agreed to by nine States."

And as we know that the object of the constitution was to remodel the Union, and enlarge the powers of Congress as well as the general powers of the government—and we find in the present constitution the clause which it contains in relation to the admission of new States, in lieu of the one just stated in the Articles of Confederation—is it not reasonable to suppose that the same idea was still retained, and instead of requiring the consent of nine States, or two thirds, for the admission of any but Canada, that it was the intention for the future to put them all upon the same footing, and leave it with Congress to admit them, if a case should arise? And is it not presumable, that if the intention had been to withdraw the privilege before extended to Canada in express terms, it would have been done in terms equally plain and explicit?

But again: It has been said, that whatever Congress does in its legislative capacity is of a municipal character, and partakes of the nature of laws, which are subject to repeal; that in this way one Congress cannot bind another succeeding one; and that, though such a measure as is proposed might be adopted this session, yet the next one might repeal it, and there is nothing in the constitution to prevent it, etc. But is it true that Congress can do nothing *legislatively* which is not *municipal* in its nature, and subject to repeal? It certainly is not. So far from this being correct, I will venture to affirm that no action of Congress which proposes terms to other parties can ever be constitutionally repealed after the terms have been acceded to, and rights and interests have thereby accrued. Besides charters, we have a number of such acts. All our acts relating to patents and land grants are of this class. And how did this government become possessed of the fertile and extensive lands of Alabama and Mississippi, but by *legislative* compact and agreement with the State of Georgia, by which they were ceded? And could that, or any other similar compact, be *repealed*? And how does a legislative compact between this government and a foreign State so differ in its nature or *municipal character* from a similar one with one of the States of the Union, as to be entirely null and void, while the latter remains good, effectual, and binding? But I cannot dwell upon this.

Another objection offered is, that if Texas should be admitted as a State, she could not be constitutionally represented on this floor and in the Senate for some time; for the constitution declares, that no "person shall be a Representative who shall not have attained to the age of twenty-five years, and been *seven years a citizen of the United States*," etc., and "no person shall

be a Senator who shall not have attained to the age of thirty years, and been *nine years a citizen of the United States*," etc. And as the people of Texas are not citizens of the United States, it would require *seven* and *nine* years, respectively, before members to the House and Senate could be chosen, which is wholly inconsistent, it is said, with the idea of the constitutional admission of her as a State. But what is to be understood by these clauses of the constitution? The gentleman from Virginia (Mr. DROMGOOLE) yesterday said that they applied only to *naturalized* foreigners; that residents of foreign acquired territory, as in the case of Louisiana, became citizens immediately, without naturalization; and, therefore, these clauses of the constitution did not refer to that class of citizens. This may be a correct answer to the objection; but I have another in my mind, which seems to me much more satisfactory. It is founded in the nature of our government and the meaning of the term *United States*. What are we to understand by the *United States*? No particular number of States, certainly, for an indefinite time; no particular, unvarying national identity, as we speak of England or France; but such States and such country as may be united at any given time under the constitution. The United States, at first, were but eleven, afterward thirteen, and now twenty-six; and to be a citizen of the United States is to be a citizen of either or any one of them. All that is necessary to comply with these requisitions of the constitution is, that the member or senator, when he takes his seat, shall have been a citizen of one of the States for the time required. If Texas be admitted, as proposed, she immediately becomes one of the United States; and the member coming here, who shall have been a citizen of that country for seven years, will of course have been a citizen of one of the *THEN* United States for the time required. This must have been the case with North Carolina, and Rhode Island, and Vermont, before alluded to; for before North Carolina came in, as I have said, the Union was formed, the government was organized, and the United States, as then formed under the constitution, were well known. North Carolina was not one of them; she was a State to herself, with her own government. When she consented to come in, and did come in, she *then* became *one* of the United States; and though her members had never been citizens of the *then* government, yet they had been citizens of one of those States which formed the government at that time, and were constitutionally admitted. So with Rhode Island afterward; and particularly so with Vermont. Her people never had been citizens of the United States, and had never acknowledged themselves to be citizens of either of the old thirteen States. And yet, when she was admitted, she became one of the States of the Union; and her people, who had been her citizens for seven and nine years, had been citizens for those respective terms of one of the United States, as they *then* existed; and so will it be with

Texas and her citizens, if she be admitted into the common fraternity of States.

But I have not time to notice more of the objections. I have only glanced at the most prominent of them; and I shall now briefly state some of the reasons that induce me to favor annexation upon the principles stated.

And, to begin negatively, I will state that I am not at all influenced by the military view which some gentlemen have with much earnestness presented. It will add but little strength, in my opinion, to our South-western border in that particular. Such, at least, was the view entertained at the time our claim was relinquished. The idea of an army landing in Texas, and marching several hundred miles over her low lands, to attack the city of New Orleans, I consider almost preposterous. Other considerations apart, Texas has no ports of sufficient depth of water at the bar to allow large ships to enter, as we see by the report of the surveys of the coast before us. Galveston is the best port, and that has but twelve feet of water at the bar. A man of war could never enter one of her harbors.

Neither am I much influenced by the pecuniary advantages to be derived from the union of that country with this—the benefits of trade, commerce, etc. So far as these are concerned, the accession will be to the interests exclusively of the North and West. That section which I represent will have no part or share in them. The North will have an enlarged market for their manufactures, and will have a new competitor in the field against the South, in the growth of the raw material which she now has to buy, and by which she will be enabled to get it cheaper. The same with the West, with their breadstuffs; while the South will have nothing to sell to the people of Texas, but will feel sorely her formidable competition in the production of cotton and sugar, her great staples. If I looked to these views, therefore, only, I should most certainly oppose it, in behalf of my section; for I take it for granted that, notwithstanding the same staples might and would be grown in Texas, whether in the Union or out of it, yet they would not be grown to such extent, and the whole resources of the country would never be so speedily and fully developed out of the Union, as they will be if once brought within the wholesome influence of our laws and institutions. I am, however, influenced by other considerations. These I will state.

In the first place, the people of that country are mostly emigrants from this. They are of the Americo-Anglo-Saxon race. They are from us, and of us; bone of our bone, and flesh of our flesh. Our sympathies are with them; and they have an attachment for our institutions and form of government, and, in their struggles for the establishment of the same, it is but natural that we should be disposed to extend them a helping hand, though our individual interests may not be thereby advanced.

Again: I consider it important that the cotton and sugar

growing interests of this continent, as far as possible, should be subject to the same laws—to prevent undue advantages, secured by treaty, separate regulations of trade, or otherwise, in the markets of the world. If Texas should remain out of the Union, and a rivalry should spring up there to the staples of the South, our interests might be greatly injured by regulations with other countries, partial to theirs, and discriminating against ours. This cannot be, if the whole be made subject to the same laws and policy.

Again: A large section of that country lies upon navigable waters flowing into the Mississippi, and must always seek a market through the outlet of that river. More than three hundred thousand dollars worth of cotton, produced in Texas year before last, was shipped from New Orleans; first paying a duty upon entering the limits of our country, and then being entitled to the drawback upon final shipment. All this is inconvenient, and will continue to increase. And the history of the world shows the necessity, for the peace and quiet of a country, that the navigation of waters should be free and equal to those who live upon their borders. The people of the Western country, on the upper Mississippi and its branches, felt the difficulties attending a contrary state of things when Spain held the mouth of that noble stream. Our commerce, upon arriving at New Orleans, was subject to onerous restrictions; difficulties threatening the peace of this country were the result; and to avoid them, was perhaps the controlling reason with Mr. Jefferson for the acquisition of Louisiana. To avoid similar ones between this government and the people of that section to which I have alluded, it is important that it should be brought into this Union.

Again: I am in favor of it, because it will afford an outlet, a retreat, for our accumulationg population. It will open a new field for the pioneer. Our people are disposed to roam. They like new countries and new lands; and there they will have opened up a great Southwest within our own country, to which the tide of emigration may flow—to which our people may go, for the purpose of gain, adventure, and enterprise, carrying with them their customs, their habits, their laws, and “household gods,” without incurring the liability of expatriation, or forfeiting the inestimable rights and privileges of being American citizens.

With this question is also to be decided another and a greater one; which is, whether the limits of this Republic are ever to be enlarged? This is an important step in settling the principle of our future extension. Nor do I concur with gentlemen who seem to apprehend so much danger from that quarter. We were the other day reminded by the gentleman from Vermont (Mr. COLLAMER) of the growth of the Roman Empire, which went on increasing and enlarging until it became unwieldy, and fell of its own weight; and of the present extent of England, stretching to all sections of the world, governing one sixth of the human family,

and which is now hardly able to keep together its extensive parts. But there is a wide difference between these cases. Rome extended her dominions by conquests. She made the rude inhabitants of her provinces subjects and slaves. She compelled them to bear the yoke; *jugum subire* was the requisitions of her chieftains; and none who were overcome by her arms could escape the ignominy. England extends her dominion and power upon a different principle. Hers is the principle of colonization. Her distant provinces and dependencies are subject to her laws, but are deprived of the rights of representation. But with us a new system has commenced, suited to and characteristic of the age. It is, if you please, the system of a confederation of States, or a Republic formed by the union of the people of separate independent States or communities, yielding so much of the national character or sovereign powers as are necessary for national and foreign purposes, and retaining all others for local and domestic objects to themselves separately and severally. And who shall undertake to say to what extent this system may not go? Mr. Madison laid down the rule, in speaking of our system, which he called the "basis of unmixed and extensive Republics," that the "natural limit" to which it may go is "that distance from the centre which will barely allow the representatives of the people to meet as often as may be necessary for the administration of public affairs." And upon this rule, in consideration of the improvements of the age, the facilities of travel and the transmission of intelligence, who can say that this entire continent is too wide and extensive? The distance from this place to Oregon and California, in a few years, will be travelled in as short a time as it was to Georgia when Mr. Madison wrote. Then it required from twenty to thirty days for a Representative from that State, our extreme Southwest at that time, to come to the seat of government; and now the same distance is performed in three days. And representatives from Louisiana, five or six hundred miles the other side, now require less than half the time then required by those from Georgia, to come from their remote districts. And who can tell what improvements for the speed of travel are yet in store? New elements in nature are being daily brought into subserviency to man. When Mr. Madison penned the remarks I have quoted, in 1787, the power of steam was unknown, and other agencies now used were not dreamed of. Then it would have required a whole day to have got news from this place—not this city, for there was none here then—to Baltimore; now it requires but an instant, as quick as thought or lightning; and, with comparatively a small amount of funds, the same facilities could be extended to Boston, Cincinnati, and New Orleans, or even to Astoria, upon the Pacific.

We live, sir, not only in a new hemisphere, but, indeed, in a *new age*; and we have started a new system of government, as new and as different from those of the old world as the Baconian

system of philosophy was novel and different from the Aristotlean, and destined, perhaps, to produce quite as great a revolution in the moral and political world as his did in the scientific. Ours is the true American system, and, though it is still regarded by some as an experiment, yet, so far, it has succeeded beyond the expectations of many of its best friends. And who is prepared now to rise up and say, "Thus far it shall go, and no further?"

But I am in favor of this measure for another reason. It is, as the honorable chairman of the Committee on Foreign Affairs said in his opening speech, in one sense and in one view, a sectional question—a Southern question. It will not promote our pecuniary interests, but it will give us political weight and importance; and to this view I am not insensible. And though I have a patriotism that embraces, I trust, all parts of the Union, and which causes me to rejoice to see all prosperous and happy; and though I believe I am free from the influence of unjust prejudices and jealousies toward any part or section, yet I must confess that my feelings of attachment are most ardent toward that with which all my interests and associations are identified. And is it not natural and excusable that they should be? The South is my home—my fatherland. There sleep the ashes of my sires and grand-sires; there are my hopes and prospects; with her my fortunes are cast; her fate is my fate, and her destiny my destiny. Nor do I wish "to hoax" gentlemen from other sections upon this point, as some have intimated. I am candid and frank in my acknowledgment. This acquisition will give additional power to the south-western section in the national councils; and for this purpose I want it—not that I am desirous to see an extension of the "area of slavery," as some gentlemen have said its effects would be. I am no defender of slavery in the abstract. Liberty always had charms for me, and I would rejoice to see all the sons of Adam's family, in every land and clime, in the enjoyment of those rights which are set forth in our Declaration of Independence as "natural and inalienable," if a *stern necessity*, bearing the marks and impress of the hand of the Creator himself, did not, in some cases, interpose and prevent. Such is the case with the States where slavery now exists. But I have no wish to see it extended to other countries; and if the annexation of Texas were for the *sole purpose* of extending slavery where it does not now and would not otherwise exist, I should oppose it. This is not its object, nor will it be its effect. Slavery already exists in Texas, and will continue to exist there. The same necessity that prevails in the Southern States prevails there, and will prevail wherever the Anglo-Saxon and African races are blended in the same proportions. It matters not, so far as this institution is concerned in the abstract, whether Texas be in the Union or out of it. That, therefore, is not my object; but it is the political advantages it will secure, with the question settled as proposed—leaving no door open for future agitation—and thus preserving a

proper balance between the different sections of the country. This is my object; and is it not proper and right?

If we look around, we see the East, by her economy, her industry, and enterprise, by her commerce, navigation, and mechanic arts, growing opulent, strong and powerful. The West, which a few years ago was nothing but an unbroken wilderness, embracing the broad and fertile valley of the Mississippi, where the voice of civilization was never heard, is now teeming with its millions of population. The tide of emigration, still rolling in that direction, has already reached the base of the Rocky Mountains, and will soon break over those lofty barriers, and be diffused in the extensive plains of Oregon. Already the West vies for the ascendancy on this floor; and why should not the South also be advancing? Are her limits never to be enlarged, and her influence and power never to be increased? Is she to be left behind in this race for distinction and aggrandizement, if you please? As one of her sons, I say no. Let her, too, enter the glorious rivalry; not with feelings of strife, jealousy, or envy—such sentiments are not characteristic of her people—but with aspirations prompted by the spirit of a laudable emulation and an honorable ambition.

SPEECH ON THE SUBJECT OF THE MEXICAN WAR.

DELIVERED IN THE HOUSE OF REPRESENTATIVES,

JUNE 16, 1846.

The House being in Committee of the Whole on the State of the Union, (Mr. COBB in the chair,) and having under consideration the bill making appropriations for the Indian Department for the fiscal year ending 30th June, 1847—

Mr. STEPHENS said he had not intended to say any thing on the present bill until he found the debate taking the range it had assumed; and he should now, following the example of others, say not one word upon the subject properly before the committee, but proceed to present some views upon another topic, which he would like to have discussed at the proper time; but as the opportunity was not then afforded him, and as he still felt a lively interest in regard to it, he should avail himself of the opportunity now presented.

I allude, Mr. Chairman, (said Mr. S.,) to the Mexican war; and I will state in the outset that I am not, as some gentlemen seem to be, the advocate of war in the abstract—war for war's sake. I hold all wars to be great national calamities. I do not maintain that war can or should always be avoided. I do not belong to the peace party, so called; I am no non-resistance man; I am far from holding that all wars are wrong. But I do hold that they ought

never to be rushed into blindly or rashly. This *ultima ratio*—this *last resort* of nations to settle matters of dispute or disagreement between them, should always be avoided, when it can be done without a sacrifice of national rights or honor. And the greatest responsibility rests upon those at the head of affairs, to whom are confided the interests and destinies of a country, that they do not disregard the heavy obligations of this most important trust.

These general principles, universally held in this age and country, I believe, to be correct, shall govern me in what I have to say upon the present occasion.

Having thus premised, I shall proceed to the subject I propose to discuss, and shall first inquire into the true cause or origin of this war; and shall then speak of the manner and spirit with which it should be prosecuted. First, as to its cause.

The country, Mr. Chairman, at this time, is in a strange and singular condition. We are at war with a neighboring Republic; an army of fifty thousand men has been authorized to be raised; and millions of money have been appropriated to prosecute it; and millions more will doubtless have to be raised and appropriated for the same object. And yet the country seems to be anxiously waiting information as to how this state of things has been brought about. Some seem to consider it a necessary result from the annexation of Texas, or, in other words, a war that Mexico is waging against us on account of that measure. But I intend to show, as I think I can most clearly do, that the whole affair is properly chargeable to the imprudence, indiscretion, and mismanagement of our own executive; that the war has been literally provoked when there was no necessity for it, and could have been easily avoided without any detriment to our rights, interests, or honor as a nation. Indeed, sir, I may be permitted to say, that a strange infatuation seems to have governed this administration ever since it came into power in reference to our foreign affairs; a war with some power or other seems to have been its leading object. The assertion of untenable rights in the Oregon territory looked to, if it did not seek, a rupture with England. Happily for the country, by the interposition of the wisdom of the Senate, that question, if rumor be correct, is about to be settled. And in the discussion of this question I wish to remind gentlemen of what they appear sometimes to forget, that the executive and his cabinet are not the country, and that it is quite possible for him and them to be wrong without putting the country in the same condition. There is a wide difference between the ministers and the sovereign. In this country sovereignty resides, not in the throne or the executive, but in the people. The administration is but the ministry; they are but public servants, and should be held to strict accountability. I hope never to see the day when the executive of this country shall be considered identical with the country itself in its foreign relations, or when any man, for scanning his acts, however severely when justly, shall on that account be charged with opposition to

his country. Such is the case only where allegiance is due to a crown, where the people's rulers are their masters; but, thank God, in this country we can yet hold our rulers to an account. How long we shall be permitted or be disposed to do so I know not; but whenever we cease to do it we shall become unfit to be free.

With these views and these feelings, and with this spirit, I go into the investigation of the cause of this war, the expenditure of so much money, the raising of so large and great a military force, and the breaking up of the repose of that general peace with which we have been so signally blessed for the last quarter of a century. This is the inquiry upon which I am about to enter; it is a grave and important inquiry, and one to which the attention of the people of this country should be directed; and I assert in my place, that the immediate cause of all these things, and the present unlooked-for state of affairs, is properly chargeable upon the administration; for the advance movement of our troops, or "army of occupation," as it is called, from Corpus Christi, on the Nueces, to Matamoras, on the Rio Grande, into a territory, to say the least of it, well known to be in dispute between Texas and Mexico; this, I say, was the immediate occasion of hostilities; and if our army had been permitted to remain at Corpus Christi, where it had been since August last, there is no evidence or reason to believe that there would have been any outbreak between our people and the Mexicans upon the frontier. This is my first proposition in considering the cause of this war, which I trust I shall be able to make perfectly clear; and then I trust I shall be able to make it appear equally clear that that step was unnecessary for any of the legitimate purposes for which the army was sent to Texas; also, that it was improper, under the circumstances, as being calculated to irritate and provoke hostilities; and further, that it was a step which the President was not clothed with the proper power legally and rightfully to take, without authority from Congress.

A → My first proposition is, that the immediate cause of hostilities between our army and the Mexican forces, was the advance movement from Corpus Christi, upon the Nueces river, to Matamoras, upon the Rio Grande or Del Norte. And, to sustain this, I need but refer to the history of the case, given by the President himself in the documents accompanying his message to the House, [when he asked us to recognize a state of war with Mexico; a singular request, by-the-by, for the President to make, when the constitution gives Congress the sole power to declare war.] Perhaps some gentlemen may suppose that that clause in the constitution simply means that when the President gets us into a war, it is the business of Congress then to make it known—to declare it—or recognize the fact. This, however, is not my understanding of it. Congress alone has the right and power to engage in war. The President has the right to repel hostilities; but not by his policy with other nations to bring on and involve the country in a war without consultation with Congress.

But to proceed with the argument and the history of the case. Soon after the passage of the resolution of annexation last year, it will be recollected that General Taylor, with a large portion of the army, was ordered to Texas to protect that country and its citizens from an invasion of Mexico, if any should be made or threatened. He arrived there in the month of August, and took a position at Corpus Christi, on the west bank of the Nueces, one hundred and fifty miles this side of the Rio Grande. In the meantime, the question of annexation may be considered as having been settled by the people of Texas. Her convention had been called, and her people were almost unanimous in favor of it. If Mexico had intended an invasion on account of that act, that was the time to have made it. But there was no invasion; and there is no evidence of any intention on her part to offer hostile resistance to that measure. Nor is there any evidence of any hostilities on her part until the advance movement of our army alluded to, which took place in the month of March of this year. During this interval of time, a regular correspondence seems to have been kept up between General Taylor and the War Department here, concerning the state of Mexican feeling. This correspondence accompanies the President's message. It is copious, and I take it to be a true exposition of the real state of affairs, as well as the disposition of the Mexicans during that time.

On the 15th of August, then, in his first communication on this subject after arriving at Corpus Christi, General Taylor writes: "That General Arista was to leave Monterey on the 4th of that month for Matamoras, with fifteen hundred men, five hundred being cavalry." "Nor do I hear that the reported concentration of troops at Matamoras is *for any purpose of invasion.*"

On the 20th of August, from the same place, he wrote: "Caravans of traders arrive occasionally from the Rio Grande, but bring no news of importance. They represent that there are no regular troops on that river, except at Matamoras; and do not seem to be aware of any preparation for a demonstration on this side of the river."

On the 6th of September, he wrote: That "a *confidential agent*, despatched some days since at Matamoras, has returned, and reports that no extraordinary preparations are going forward there; that the garrison does not seem to have increased; and that our Consul is of opinion there will be no declaration of war."

On the 14th of September, he wrote: "We have no news of interest from the frontier; Arista, at the last accounts, was at Mier, but without any force; nor is there as yet any concentration of troops on the river."

On the 4th of October, he wrote: "Mexico having as yet made no positive declaration of war, or committed any overt act of hostilities, I do not feel at liberty, under my instructions, particularly those of July 8th, to make a forward movement to the Rio Grande, without authority from the War Department."

On the 11th of October, he wrote: "Recent arrivals from the Rio Grande bring no news or information of a different aspect from that which I reported in my last. The views expressed in previous communications relative to the *pacific* disposition of the border people, on both sides of the river, are continually confirmed."

All this time General Taylor was remaining at Corpus Christi. The propositions for annexation had been before the people of Texas, as I have said; and it was clear and well understood that that measure would be speedily consummated. And yet no demonstration was made by Mexico, and no evidence of hostilities was evinced. Nay, more, sir; so late as the 7th of January last—some time after annexation was complete, and after Texas had been admitted as a State into the Union; after that "bloodless achievement" of so large a territory, of which the President spoke in his annual message, had been fully accomplished; and, in deed and in truth, "without a resort to the arm of force"—General Taylor writes from the same place, where he was still stationed, and where he should have remained: "General Arista rests quiet, to see, perhaps, what success attends General Paredes. In this part of the country the people are in favor of peace; and I should judge," he adds, "of a treaty with the United States."

But, on the 13th of January of this year, it will be recollected, the order was given by the Secretary of War for the forward movement of the army to Matamoras. And this, as I assert, was the cause of the outbreak; for, no sooner was this known, and preparations were making for that purpose in our camp, than the temper of the people in that quarter began to change—I mean the temper of the Mexican people living in the province of Tamaulipas, on this side of the Rio Grande—and the tone of General Taylor's letters immediately changed. On the 4th of February he acknowledges the reception of the order of the 13th January; and on the 16th of February writes: "Many reports will doubtless reach the Department giving exaggerated accounts of Mexican preparations to resist our *advance*, if not, indeed, to attempt an invasion of Texas."

This shows that opposition to that movement had commenced, and resistance was threatened; and this is the **FIRST** intimation General Taylor gives of any hostility in that quarter on the part of the Mexicans, from the time he first arrived there, in the summer of last year—six months after he had been quietly settled at Corpus Christi, without any offer to resist, with the border people quiet, peaceable, and satisfied, desirous, as he thought, of peace and a treaty with this country—with no concentration of forces, and no disposition to fight.

On the 8th of March General Taylor commenced his forward movement, and on the 11th the whole army left Corpus Christi for Matamoras. The next time we hear from him is on the 18th March, when he is one hundred and nineteen miles on his route. He then states, that "within the last two days our advance has

met with small *armed parties* of Mexicans, who seemed disposed to avoid us. They were doubtless thrown out to get information of our advance."

The next we hear from him is the account of the 21st of March, of the *resistance* offered to his crossing the Little Colorado, and the protest of the Mexicans against his proceeding to Matamoras. Further on, and just before getting to Point Isabel, he was met with a civil deputation, with the Prefect of the district of Tamaulipas at its head, "protesting against his occupation of the country." No attention was paid to this; his orders were imperative, and soon the buildings at Point Isabel were seen in flames, and all the inhabitants fled to Matamoras, except "two or three inoffensive Mexicans."

The next we hear of General Taylor is, on the 29th of March, at his camp, on the left bank of the Rio Grande, opposite Matamoras. And now he writes: "The attitude of the Mexicans is so far *decidedly hostile*. An interview has been held, by my direction, with the military authorities in Matamoras, but with no satisfactory result. Under this state of things, I must again and urgently call your attention to the necessity of speedily sending recruits to this army."

It may be well here to call the attention of the House to the notes of the interview had with the Mexican authorities, to which General Taylor alluded in his last letter. From these notes I read: "General Vega then stated, that he had been directed to receive such communications as General Worth might present from his commanding general—going on to say, that the *march of the United States troops* through a part of the *Mexican territory (Tamaulipas)* was an act of war." General Worth asked, "Has Mexico declared war against the United States?" General Vega: "No." General Worth: "Are the two countries still at peace?" General Vega: "Yes." General Vega afterward, in the interview, asked: "Is it the intention of General Taylor to remain with his army on the left bank of the Rio Grande?" General Worth: "Most assuredly; and there to remain until directed otherwise by his government." General Vega remarked, that "we felt indignation at seeing the American flag placed on the Rio Grande, a portion of the Mexican territory."

This interview took place on the 28th March last, soon after General Taylor's arrival opposite Matamoras; and it shows clearly the state of feeling produced by *this advanced movement*, and which resulted in the collision which so soon after followed. For matters now were rapidly coming to a crisis; and the next we hear from General Taylor is on the 15th April, when he writes:

"I have to report, that, on the 11th instant, General Ampudia arrived at Matamoras with two hundred cavalry, the remainder of his force, variously estimated from two thousand to three thousand men, being some distance in rear on the route from Monterey. Immediately after assuming the chief command, General Ampudia ordered all Americans to leave

Matamoras within twenty-four hours, and repair to Victoria, a town in the interior of Tamaulipas. He had taken the same severe measure at Reynosa, on his way hither. On the 12th, I received from General Ampudia a despatch, summoning me to withdraw my force within twenty-four hours, and to fall back beyond the river Nueces. To this communication I replied on the 12th, saying that I should not retrograde from my position. Copies of this correspondence are enclosed herewith. I considered the letter of General Ampudia sufficient to warrant me in blocking up the Rio Grande, and stopping all supplies for Matamoras, orders for which have been given to the naval commander at Brazos Santiago."

The communication from Ampudia, to which General Taylor refers, is in the following words:

[Translation.]

FOURTH MILITARY DIVISION, *General-in-Chief*:

To explain to you the many grounds for the just grievances felt by the Mexican nation, caused by the United States Government, would be a loss of time, and an insult to your good sense; I, therefore, pass at once to such explanations as I consider of absolute necessity.

Your government, in an incredible manner—you will even permit me to say an extravagant one, if the usage or general rules established and received among all civilized nations are regarded—has not only insulted, but has exasperated the Mexican nation, bearing its conquering banner to the left bank of the Rio Bravo del Norte; and, in this case, by explicit and definite orders of my government, which neither can, will, nor should receive new outrages, I require you, in all form, and, at latest, in the peremptory term of twenty-four hours, to break up your camp, and retire to the other bank of the Nueces river, while our governments are regulating the pending question in relation to Texas. If you insist in remaining upon the soil of the department of Tamaulipas, it will clearly result that arms, and arms alone, must decide the question; and in that case, I advise you that we accept the war to which, with so much injustice on your part, you provoke us; and that, on our part, this war shall be conducted conformably to the principles established by the most civilized nations; that is to say, that the law of nations and of war shall be the guide of my operations; trusting that on your part the same will be observed.

With this view, I tender you the considerations due to your person and respectable office.

God and Liberty!

HEADQUARTERS AT MATAMORAS, 2 o'clock, P. M., April 12, 1846.

PEDRO D'AMPUDIA.

Senor General-in-Chief of the United States Army, Don Z. TAYLOR.

In this communication it will be perceived that General Ampudia did not order General Taylor to evacuate Texas—to go beyond the Sabine—but to fall back beyond the Nueces, to withdraw from what he considered the Mexican district of Tamaulipas, until the two governments should settle the pending question in relation to Texas. General Taylor's orders, however, from the War Department were positive; he was to hold his position opposite Matamoras. And what immediately ensued is well known: first, the capture of Captain Thornton and his men; and, soon after, the ever-to-be-remembered battles of the 8th and 9th of May, which, so far as the bravery and gallantry of our officers and army is concerned, are amongst the brightest and most glorious

achievements in our history. I have nothing to say against that. I have every assurance that our arms will ever be victorious, let them come in conflict with whatever foe they may; and whatever laurels or honors they may win, whether on land or the ocean, when acting in obedience to orders, I shall claim an interest in, as an addition to the common stock of American fame. But I am now giving the history of the circumstances that led to this result. I have been minute in details, in tracing it to its proper source, to show that there was no disposition on the part of Mexico evinced to invade this country or Texas on account of annexation; and if the army had remained out of the country upon the Rio Grande, which was in dispute between Texas and Mexico, both claiming it, there would have been no hostility on the part of Mexico; or, in other words, that the cause of this war was the taking military possession of the disputed territory. And, if further authority is wanted to establish this position, I refer to the letter of the present Secretary of Foreign Affairs in Mexico to Mr. Slidell, of the 12th of March last. It is in that letter in which he gave the reasons of his government for refusing to receive him as a *resident minister*, but not as a *commissioner to settle the question of boundary*. Speaking of the views and feelings of the present government of Mexico upon this subject, and their intended course toward the United States, he says:

"A lover of peace, she would wish to ward off this sad contingency; and, without fearing war, she would desire to avoid so great a calamity for both countries. For this she has offered herself, and will continue to offer herself, open to all honorable means of conciliation, and she anxiously desires that the present controversy may terminate in a reasonable and decorous manner.

"In the actual state of things, to say that Mexico maintains a position of quasi hostility with respect to the United States, is to add a new offence to her previous injuries. Her attitude is one of defence, because she sees herself unjustly attacked; because a portion of her territory is occupied by the forces of a nation, intent, without any right whatever, to possess itself of it; because her ports are threatened by the squadrons of the same power. Under such circumstances, is she to remain inactive, without taking measures suited to so rigorous an emergency?"

From this it appears that, even up to the 12th of March last, it was not the intention or wish of Mexico to make war against us; and that, in the actual state of things then, to say that Mexico maintained "*a position of quasi hostility with respect to the United States*," was "*to add a new offence to her previous injuries*." Can any man doubt, then, that if our army had not been pushed forward to the Rio Grande, there would have been no hostility, resistance, or war with Mexico?

Then, sir, was this movement necessary for any of the legitimate purposes for which our army was sent to Texas? There was no invasion threatened, there was no violence offered to the persons or property of the citizens of Texas that required this movement to give any additional protection. Beyond Corpus

Christi, where the army had been stationed for six months, there were no citizens of the United States or Texas that I have ever heard of. I mean, by citizens of Texas, those who acknowledge her government, and come within the jurisdiction of her laws. Why, then, was the army, at great cost and trouble, marched over and across that "stupendous desert between the Nueces and the Bravo" (Rio Grande), which the chairman of the Committee on Foreign Affairs stated, when he offered the resolution for the annexation of Texas, was the "natural boundary between the Anglo-Saxon and the Mauritanian races?" Was there a man on the Rio Grande that acknowledged the jurisdiction, much less that claimed the protection, of the laws of Texas? Wherefore, then, was there any necessity for this move? Can any man offer a pretext for it but the masked design of provoking Mexico to war?

But this move was not only unnecessary, but improper, imprudent, and unwise. For it was known that the friendly relations between this country and Mexico were interrupted; and, notwithstanding she was making no show of hostilities—her people being pacifically inclined on the border—yet she was in an irritable mood, if you please, and every thing calculated to excite either her government or her people by a wise President would have been avoided. I now speak without reference to the disputed character of that country. Even if it were admitted that the Rio Grande was the established boundary of Texas, as much so as that the St. Lawrence is the boundary between us and Canada, it was improper, under the circumstances, to send an army upon the border of a country at peace with us, and not only this, but order them to construct fortifications and mount heavy guns right opposite a peaceful town, pointing toward the main square, and ready at any moment to "spot" any place in it. I say, sir, this was wrong, and it was calculated to provoke, to irritate, and to bring on a conflict, if *it was not so designed*. Suppose any nation should act so toward us, and point their guns toward any or either of our towns or cities, could any thing be done more calculated to warm the blood of the nation, or more effectually "to prepare the hearts of our people for war?" Would we permit England or France to do so toward us, or could we do so toward them without being involved in a war? Did Mr. Jefferson act in this way when Louisiana was acquired? The western boundary of that country was then in dispute between us and Spain. Did Mr. Jefferson send an army of occupation to take possession of the part in dispute, or did he wait for peaceful negotiation to settle it?

How was it with our north-eastern boundary, another case in point? For half a century and upward, the line there was in dispute between us and Great Britain, and a large extent of territory was claimed by each. Did any of our Presidents, in that long interval of time, think it necessary or proper to send an army of occupation to take possession of the disputed section? So far as

necessity was concerned, the argument was much stronger in the northeast than it was upon the Rio Grande, for there were people there claiming the protection of our laws. But not only this, sir; if I am not mistaken, for some time, and even during Mr. Van Buren's administration, a portion of that disputed country was permitted to be occupied by British troops without opposition or resistance on our part. I do not say that that was right; but it shows the great caution exercised by former Presidents, when the questions and issues of peace and war were at stake, and it would have been time enough, at least, for our troops to have made a movement when Mexican forces had attempted to seize upon the country. I venture to say, if a tenth part of the prudence, and caution, and propriety, had been exercised in the southwest that was in the northeast, there would have been no collision with Mexico; and if a tenth part of the folly and blunders of this administration in the southwest had been committed in the northeast, when that question was open, a rupture with England would have been inevitable; and we might to-day, for that small strip of territory, with an exhausted treasury and accumulated debt, be waging an unfinished war with that country.

And I shall here, Mr. Chairman, though not exactly pertinent to the question I am discussing, take occasion to refer to that great statesman, through whose extraordinary talents and ability that long protracted and much vexed question was so advantageously to his country finally settled. And I do it from what I feel to be a sense of public duty to a man who rendered such essential service to his country, in such a critical period in the history of our foreign affairs. And the more cheerfully and willingly I do it in consequence of the many gross and foul imputations that have been attempted to be cast upon his character for his course in that matter. So far from being a fit subject for attack and detraction for his conduct in relation to that measure, he is entitled to the gratitude of the nation and the gratitude of mankind. If a man, who has the requisite ability and patriotism for so noble an achievement, is to be denounced for having brought to an honorable and peaceful settlement a question of so much difficulty as to have baffled the powers of the ablest men of this country for fifty years or upward—for doing what all our Presidents, from the days of Washington down, had failed to accomplish—for saving this country from all the consequences of a protracted war, the loss of blood and treasure that would have been spent therein—for saving mankind and the civilized world from all the fearful and disastrous effects that would have been produced by the shock and collision of the two mightiest nations on earth, brought in battle array and deadly conflict against each other. I say, if, for doing all this, a man is to be denounced, assailed, and despoiled of his good name, then, indeed—

“Worth is but a charter
To be mankind's distinguished martyr.”

And then, indeed, may it be truly said that "Republics are ungrateful." But, sir, I do not believe this of my countrymen; I rely more upon their intelligence, their virtue, wisdom, and patriotism—more upon that liberal, high-minded, generous, and magnanimous spirit by which they are characterized. There may be some who, with the wish but without the ability to take the lead in the arduous ascent of fame's proud steep, would fain attain their ends by pulling down those above them, rather than encounter the labor and toil of honorable though hopeless competition; but I trust their number is few. They belong to that class of old—

"Who have no base to bear their rising fame
But the fallen ruins of another's name."

In this instance, however, their object is beyond their reach. In solitary loneliness he stands high above them all—with full consciousness, perhaps, of the truth of what was said long since by one well acquainted with the passions and vices of the human heart, that—

"He who ascends to mountain tops shall find
The loftiest peaks most wrapt in clouds and snow,
And he who transcends or excels mankind
Must *look down* on the hate of those below."

There is a majesty in true greatness which seldom fails to command the admiration of the high-minded and honorable, while it as naturally excites the envy of the ignoble, the grovelling, and the mean: just as there is a majesty in virtue which secures the love and respect of the good, but never fails to arouse the hate of the vile. This is the fate of genius, and this is the price of renown; for—

"Envy will merit as its shade pursue,
But, as the shadow proves its substance true,
Envied worth, like th' sun eclips'd, makes known
The opposing object's grossness, not its own:
And when that sun too powerful beams displays
He draws up vapors that obscure his rays:
But e'n those clouds at last adorn his way,
Reflect new glories and augment the day."

So, sir, it is with Daniel Webster. The efforts of his enemies have been as impotent as they were reckless, and their attempted aspersions will but add new lustre to his fame. I do not claim to be his defender or his eulogist; that is a distinction I do not aspire to. But we all have reason to be proud of him as an American. He has not only won immortality for himself, and taken a position amongst the greatest of the earth, but added greatly to the reputation of his country; and, in the bright constellation of gems and honors that encircle and adorn his brow, shines not least conspicuously, in my opinion, the glory of having effected the treaty of Washington. Would for the country's

sake he filled the same place now that he did then—we might not be in our present embarrassment!

But, sir, to return from this digression, for which I hope the committee will excuse me.

I have endeavored to show that the movement of our army to the Rio Grande, the immediate occasion of hostilities, was unnecessary and improper, under the circumstances. I come now to say, what I fearlessly assert, that the President had no right, no power, legally, to order the military occupation of the disputed territory on the Rio Grande without authority from Congress. He had no right or power to send the army beyond that country over which Texas had established her jurisdiction. The boundary between Texas and Mexico—I mean Texas as an independent State after her revolution—was never settled. Before the revolution the river Nueces was the southern boundary of the department of Texas. Between that river and the Rio Grande lay the districts of Tamaulipas, Coahuila, and others. During and after the revolution, a portion of this country on the south of the Nueces, about Corpus Christi, went with Texas and adhered to the new government; the other portion, lying on the Rio Grande, adhered to the old government; and though Texas, after her declaration, defined her boundary to be the Rio Grande, yet she never successfully established her jurisdiction to that extent. Between Corpus Christi and the Mexican settlements on the Rio Grande is an immense desert or waste, where nobody lives. The first settlements to the south of that unoccupied region are on the Rio Grande, or near it, and have continued subject to the laws of Mexico. The people are Mexicans or Spaniards. In proof of this I need but refer to a letter from the American camp, published in most of our newspapers, and which nobody, I presume, will venture to contradict. The letter bears date the 21st of April last, and, speaking of the country on the Rio Grande, says: “The people are all Spaniards, and the country is uninhabitable, excepting the valley of the Rio Grande, and that contains a pretty dense population; and in no part of the country are the *people more loyal to the Mexican Government.*” This country, it is true, is claimed by Texas and Mexico. It is in dispute, and was well known to be so at the time of annexation. For proof of this, I refer to Senator Benton’s speech in the other House upon the Tyler treaty, in which he seems to decide the claim in favor of Mexico; for a resolution offered by him on that occasion is in these words:

Resolved, That the incorporation of the left bank of the Rio del Norte into the American Union, by virtue of a treaty with Texas, comprehending, as the said incorporation would do, a part of the Mexican departments of New Mexico, Chihuahua, Coahuila, and Tamaulipas, would be an act of direct aggression on Mexico, for all the consequences of which the United States would stand responsible.

One of the strong objections to the Tyler treaty was that it

fixed the boundary at the Rio Grande, which the resolutions that finally passed did not do.

I refer, also, to the speech of Senator Ashley, of Arkansas, on the resolution itself, in which he says, speaking of the resolutions submitted by himself for that purpose:

"The third speaks for itself, and enables the United States to settle the boundary between Mexico and the United States properly. And I will here add that the present boundaries of Texas. I learn from Judge Ellis, the President of the Convention that formed the constitution of Texas, and also a member of the first Legislature under that constitution, were fixed as they now are [that is, extending to the Rio Grande] solely and professedly *with a view of having a large margin in the negotiation with Mexico*, and not with the expectation of retaining them as they now exist in their statute book."

Again: Mr. Donelson, our Charge to Texas, or the agent sent on to effect annexation, in a communication on the 23d of June, 1845, to Mr. Buchanan, upon this subject, speaking of the country between the Nueces and the Rio Grande, says: "That country, you are aware, has been in the possession of both parties. Texas has held in peace Corpus Christi; Mexico has held Santiago [near Point Isabel]; both parties have had occasional "possession of Laredo and other places higher up."

But it is useless to multiply authority upon this point. All this was well known at the time of the passage of the resolution of annexation; and hence the resolution was guarded so as to cover only so much territory as was "*properly included within, and rightfully belonged to the Republic of Texas*," reserving the question of boundary to be settled and adjusted between this government and Mexico *by negotiation, and not by arms*; and Congress positively refused to pass any measure of that sort which fixed the boundary at the Rio Grande or Del Norte; and I venture to say that no resolution so fixing the boundary could have passed this or the other House. And now what I have got to say is this: Congress having failed to establish a boundary in that quarter, the President could not undertake to do it. The limits or boundaries of a country can be fixed in two ways only: one is by negotiation, and the other is by the sword. The President by himself can do neither. He may make the initiative in the former case; but Congress can alone constitutionally draw the sword for any purpose. I grant, if Mexico would not negotiate, would not treat, would not come to any understanding in a friendly manner where the dividing line should be, where their jurisdiction should end and ours commence, that we would then have a right to make a limit for ourselves, and a right, by force of arms, to establish that limit or line. But, sir, this is a right that Congress only can constitutionally exercise. The President cannot do it. That is what I assert; and I defy any man in this House to gainsay my positions. Is there any boundary line established between Texas and Mexico? Every body must say

—no. Was it not expressly omitted to establish a line in the resolutions of annexation? Everybody must say—yes. Can the President, then, undertake to say where the line is or shall be, when Congress fails to speak?

[Here Mr. PAYNE interrupted Mr. S., and wished to inquire whether Texas could not fix, and had not fixed her boundary at the Del Norte?]

Mr. STEPHENS proceeded. No, sir. She had the right, if she had the power, before annexation; but by the resolutions of annexation that question was expressly reserved for this government to adjust by negotiation; and, by assenting to these resolutions, she consented to their conditions. There is, then, certainly no fixed boundary between us and Mexico, and no boundary can be established but by negotiation or arms. Congress alone was the competent authority and power to resort to the latter method. Why, sir, the President, at the opening of this session, informed us that he considered our title to the whole of the Oregon Territory up to $54^{\circ} 40'$ as "clear and unquestionable." Suppose he had ordered the troops there to take possession—had an army of occupation sent over there—and in this way had brought on a war with England without ever consulting Congress, though we were here in session, is there a man here who could have the face to stand up and defend him? Would not a voice of rebuke, indignation, and condemnation rise upon him from every quarter of this country? And why should not the same be the case in the present instance? The principles are perfectly analogous. As to the matter of Oregon, however, I believe we are in no danger from that score now. Notwithstanding our title was proclaimed to be so "clear and unquestionable," a large portion of it, it is said, is about to be given up, and a permanent line fixed upon the 49th parallel of latitude. This is to be done by advisement with the Senate. I, sir, have no particular complaint to make against the arrangement. I leave it for the peculiar friends of the executive to reconcile his present position with the position he held at the opening of this session. As for his taking the advice of the Senate in advance, that is but a cover of his retreat. All I have to say in reference to it is, that I regret that he was not equally cautious and conscientious in taking the advisement of Congress before taking military occupation of a disputed territory in another quarter. If so, we might now be at peace with Mexico, and all our differences honorably adjusted. But some one asks me what was the President to do? How was he to know where to stop, as there was no fixed line? I answer, his duty was a plain one. It was to keep the army within that portion of the territory which "rightfully belonged to Texas," or over which she had established her jurisdiction and supremacy, where her laws extended and were enforced, and where the people acknowledged her government. Whether that was east or west of the Nueces made no difference. But he had

no authority to order them beyond such limits. This is a plain principle, and is clearly set forth in Mr. Donelson's letter to Mr. Buchanan of the 11th July, 1845. When writing from Texas upon this subject, he says :

"SIR: You will have observed that in my correspondence with this government and Texas, there has been no discussion of the question of limits between Mexico and Texas. The joint resolution of our Congress left the question an open one, and the preliminary proposition made by this government, under the auspices of the British and French Governments, as the basis of a definitive treaty with Mexico, left the question in the same State." "I at once decided that we should take no such position, [on the Rio Grande,] but should regard only as within the limits of our protection that portion of territory actually possessed by Texas, and which she did not consider as subject to negotiation."

This, sir, was right. This is what Texas expected, and this is all that she or her citizens ever asked. This was also in substance embodied in the order from the Secretary of War of the 30th July, 1845, to General Taylor, in which he said, speaking of the views of the President upon this subject:

"He has not the requisite information in regard to the country to enable him to give any positive directions as to the position you ought to take, or the movements which it may be expedient to make. These must be governed by circumstances. While avoiding, as you have been instructed to do, all aggressive measures toward Mexico, as long as the relations of peace exist between that Republic and the United States, you are expected to occupy, protect, and defend the territory of Texas to the extent that it has been occupied by the people of Texas."

With this view it was perfectly proper for the army to be stationed at Corpus Christi, while it was highly improper to send it further south. And with this view it was perfectly proper for this House to establish a custom-house at the same place, leaving the Mexicans with theirs at Santiago and Santa Fe, until the boundary should be settled.

Gentlemen have argued this question as if the fact of its being right for the army to be at Corpus Christi, on the west of the Nueces, therefore it must be right for it to go to any other place this side the Rio Grande. The President seems to take the same view in his special message upon the Mexican hostilities. Nothing could be more erroneous. And had the principles of the order of the 30th July been adhered to—had the army kept within the limits therein prescribed, we should not now be at war with Mexico.

I have, in this argument, Mr. Chairman, intentionally abstained from arguing the question of Texan boundary—that is, the precise limits to which she had rightfully established her jurisdiction and independence, or where the dividing line between us and Mexico ought by *negotiation* to be fixed. It has nothing to do with the merits of this question. My object was to show that our boundary in that direction is as yet unsettled, and that the Rio Grande

was not declared to be the boundary in the resolution of annexation. I might go further, and show that it never was expected to be by some, even at the time of annexation, and by some of its warmest friends. Mr. C. J. INGERSOLL, who introduced the resolution of annexation, upon this subject, said upon that occasion :

“The stupendous deserts between the Nueces and the Bravo [the Rio Grande or del Norte] rivers are the natural boundaries between the Anglo-Saxon and the Mauritanian races. There ends the valley of the west. There Mexico begins. Thence, beyond the Bravo, begin the Moorish people and their Indian associates, to whom Mexico properly belongs, who should not cross that vast desert if they could, as on our side we too ought to stop there, because interminable conflicts must ensue from either our going south or their coming north of that gigantic boundary. While peace is cherished, that boundary will be sacred. Not till the spirit of conquest rages will the people on either side molest or mix with each other ; and, whenever they do, one or the other race must be conquered, if not extinguished.”

From this it would seem that he did not even wish the boundary ever to extend to the Rio Grande. With him, however, I may say, I did not then, nor do I now agree ; and, so far as my opinion is concerned, I think the Rio Grande ought to be the boundary, because it is a great natural boundary, much better defined than her stupendous deserts. But I think, with wisdom and prudence in our councils, the Rio Grande could have been got as the boundary as well by negotiation as by arms, and with much less treasure and with a much less “bloody achievement.”

And, having shown the origin of the war, and the executive blunder connected with it, I now come to say something of its objects, and the spirit with which it should be prosecuted.

This is the second branch of the subject I promised to notice. What is to be the conduct of this war—its ultimate aims ? What are its proposed ends, what is to be its consummation, and what course should be pursued toward it ? I notice a very evident wish on the part of those who defend the President for getting us into it to put those who do not approve of his course in a false position. They wish to make it appear that we are opposed to the war—opposed to giving supplies—opposed to its prosecution. This is not my position ; I am opposed to the manner in which it has been brought about, but I am not opposed to its active prosecution to a speedy and honorable termination ; and I do not intend for others to assign me a position which I do not occupy. I would not do a thing to check the ardor of our gallant army, which has already won such unfading laurels on the battle-field, or of the patriotic volunteers who have rushed to the rescue at the hour of their country’s call. Their duty and our duty is a very different thing, under present circumstances, from what was the President’s duty before the commencement of hostilities. I am for the honor of our arms while the conflict lasts ; for energetic,

vigorous action, until an honorable peace can be obtained. And whatever of means or money shall be necessary for this, I am for giving, to the largest extent; not failing, at the same time, to hold the executive responsible for his errors. My course and feelings are just as they would be if this Capitol were on fire. The cause or origin of the flames, whether by accident or negligence, or the hand of an enemy, would have no influence with me in the course I should pursue in effecting their speediest extinguishment, and using all available and proper means for that purpose. All hands to the rescue would be my motto. And so, sir, now the fires of war are raging on our frontier, all good citizens should render their willing aid, as I most cheerfully do, to put out the conflagration; and he whose deeds are most gallant and efficient in effecting this object, whether on the field or in the cabinet, will be entitled to the most glory.

But, sir, I wish to know what is the design and object of the administration as to the ends of this war. It has been brought upon us while Congress was in session without our knowledge. And I wish to know for what object, and with what spirit, they intend to prosecute it. I regret the chairman of the Committee on Military Affairs is not in his seat to answer such inquiries upon this subject as I intended to propound to him. For, occupying his position, I presume he must be in the confidence of the executive. And I hope, at some early day, he, or some other person standing in the same relation to the "powers that be," will inform the country upon this subject. Is the object to repel invasion, to protect Texas, to establish the Rio Grande as the boundary? or what other objects are had in view? I, sir, not only as a representative upon this floor, but as a citizen of this republic, having a common interest with others, in every thing that pertains to her interests, her rights, and her honor, wish to know if this is to be a war for conquest? And whether this is the object for which it is to be waged? If so, I protest against that part of it. I would shed no unnecessary blood; commit no unnecessary violence; allow no outrage upon the religion of Mexico; have no desecration of temples, or "revelling in the halls of the Montezumas;" but be ready to meet the first offers of peace. I regret that General Taylor did not have the authority to accept the proffered armistice when it was tendered. In a word, I am for a restoration of peace as soon—yes, at the earliest day it can be honorably effected. I am no enemy to the extension of our domain, or the enlargement of the boundaries of the republic. Far from it. I trust the day is coming, and not far distant, when the whole continent will be ours; when our institutions shall be diffused and cherished, and republican government felt and enjoyed throughout the length and breadth and width of this land—from the far south to the extreme north, and from ocean to ocean. That this is our ultimate destiny, if wise councils prevail, I confidently believe. But it is not to be

accomplished by the sword. Mr. Chairman, republics never spread by arms. We can only properly enlarge by voluntary accessions, and should only attempt to act upon our neighbors by setting them a good example. In this way only is the spirit of our institutions to be diffused as the "leaven," until "the whole lump is leavened." This has been the history of our silent but rapid progress, thus far. In this way Louisiana, with its immense domain, was acquired. In this way the Floridas were obtained. In this way we got Oregon, connecting us with the Pacific. In this way Texas, up to the Rio Grande, might have been added; and in this way the Californias, and Mexico herself in due time may be merged in one great republic. There is much said in this country of the party of progress. I profess to belong to that party; but am far from advocating that kind of progress which many of those who seem anxious to appropriate the term exclusively to themselves are using their utmost exertions to push forward. Theirs, in my opinion, is a *downward progress*. It is a progress of party—of excitement—of lust of power—a spirit of war—aggression—violence and licentiousness. It is a progress which, if indulged in, would soon sweep over all law—all order—and the constitution itself. It is the progress of the French revolution, when men's passions—

"Like an ocean bursting from its bounds,
Long beat in vain, went forth resistlessly,
Bearing the stamp and designation *then*
Of popular fury, anarchy."

It is the progress of that political and moral sirocco that passed over the republics of "olden time," withering and blasting every thing within its pernicious and destructive range. Where liberty once was enjoyed—where the arts and sciences were cultivated—and literature flourished—philosophers taught and poets sung—and where the most majestic monuments of refinement, taste, and genius were erected, "towers, temples, palaces, and sepulchres;" but where now—

"Ruin itself stands still for lack of work,
And desolation keeps unbroken sabbath."

Or, to come nearer home for an illustration, it is the progress of Mexico herself. Why is that heaven-favored country now so weak and impotent and faithless? Why so divided and distracted and torn to pieces in her internal policy? A few years ago she set out in the career of republicanism under auspices quite as favorable for success as this country. Her progress has been most rapid from a well-regulated, good government, formed on our own model, to the most odious military despotism. We would do well to take a lesson from her history, and grow wise by the calamities of others, without paying ourselves the melan-

choly price of wisdom. They lacked that high order of moral and political integrity without which no republic can stand. And it is to progress in *these* essential attributes of national greatness I would look; the improvement of mind; "the increase and diffusion of knowledge amongst men;" the erection of schools, colleges, and temples of learning; the progress of intellect over matter; the triumph of the mind over the animal propensities; the advancement of kind feelings and good will amongst the nations of the earth; the cultivation of virtue and the pursuits of industry; the bringing into subjection and subserviency to the use of man of all the elements of nature about and around us; in a word, the progress of civilization and every thing that elevates, ennobles, and dignifies man. This, Mr. Chairman, is not to be done by wars, whether foreign or domestic. Fields of blood and carnage may make men brave and heroic, but seldom tend to make nations either good, virtuous, or great.



SPEECH ON THE MEXICAN APPROPRIATION, OR "THREE MILLION BILL," IN COMMITTEE OF THE WHOLE ON THE STATE OF THE UNION.

HOUSE OF REPRESENTATIVES, FEBRUARY 12, 1847.

MR. CHAIRMAN: It is useless to attempt to disguise the fact, or to affect to be blind to the truth, that this country is now surrounded by difficulties of no ordinary magnitude, and fast approaching others which threaten to be far greater and more perilous than any which have ever been encountered since the foundation of the government.

It is true, the declaration was made the other day, by a distinguished Senator, (Mr. CASS,) in his place, that he saw no dangers about, he espied nothing in the prospect to cause alarm or apprehension, and that, in his opinion, "the sentinel upon the watch-tower might sing upon his post!"

Sir, whether this sentiment was expressed by authority, and is to be taken as the exponent of the feelings of those who are now wielding so recklessly the destinies of the nation, I know not; but to me it seems somewhat kindred to, if not the legitimate offspring of, that spirit which prompted Nero to indulge in music and dancing when Rome was in flames!

It strikes me, that if the question was put to the faithful and vigilant watchman, at this time, "What of the night?" he would be far from answering, that it is a fit time for revelry and song. He would say, it is a night of storms and tempests—of gloomy and appalling darkness, with no light to cheer the heart, and no star to guide a hope; nay, more, he would say, it is a night in

which many of the public sentinels have abandoned their posts—that they have failed to sound the alarm, and that the enemy has not only entered the city, but has seized the citadel of liberty, and is fast battering down the constitution itself.

The country, which one year ago was quiet and prosperous, at peace with the world, and smiling under the profusion of heaven's bountiful munificence, by the sole and unauthorized act of the President, has been plunged into an unnecessary and expensive war, the end and fearful consequences of which no man can foresee. And to suppress inquiry, and silence all opposition to conduct so monstrous, an executive ukase has been sent forth, strongly intimating, if not clearly threatening, the charge of *treason*, against all who may dare to call in question the wisdom or propriety of his measures. Not only was Congress, which possesses exclusively the war-making power, never consulted upon the subject until after hostilities were commenced, but the right is even now denied that body to make any legislative expression of the national will as to the aims and objects for which the war should be prosecuted. The new and strange doctrine is now put forth that Congress has nothing to do with the conduct of war; that the President is entitled to its uncontrolled management; that we can do nothing but vote men and money, to whatever amount and extent his folly and caprice may dictate. Neighboring states may be subjugated, extensive territories annexed, provincial governments erected, the rights of conscience violated, and the oath of allegiance, at the point of the bayonet, may be administered to a mixed population, embracing all varieties of races, languages, and color, and the representatives of the people are to say nothing against these extraordinary outrages against the first principles of their government, or render themselves obnoxious to the imputation of giving "aid and comfort to the enemy." This is nothing less than the assumption of the principle that patriotism consists in pliant subserviency to executive will—that the President is supreme, and the "King can do no wrong."

Sir, this doctrine might suit the despotisms of Europe, where the subjects of a crown know no duty but to obey, and have no rights but to submit to royal dictation. But it is to be seen whether the free people of this country have so soon forgotten the principles of their ancestors as to be so easily awed by the arrogance of power. It is to be seen whether they have so far lost the spirit of their sires, as tamely, quietly, and silently to permit themselves to be treated as the humble vassals of such a self-constituted lordling.

Insolence, when indulged, not unfrequently overdoes itself by its own extravagance. Like Ambition, it often "overleaps" its aims. And my confidence in the character, integrity, and patriotism of the American people warrants me in venturing the assertion, that this will be the fate of this most unscrupulous attempt to abridge the free exercise of those rights which "are dear to free-

men, and formidable to tyrants only." For a very little further interference with the freedom of discussion, Charles X., of France, lost his throne; and, for a very little greater stretch of royal prerogative, Charles I., of England, lost his head. By reflecting upon these examples of the past, our executive, without entertaining any fears or apprehensions of experiencing a fate exactly similar to either, may yet learn some profitable lessons—lessons that will teach him that there are some things more to be dreaded than the loss of a throne, or even the loss of a head—amongst which may be named the *anathema* of a nation's curse, and the infamy that usually follows it.

Moralists tell us that nations as well as individuals are sometimes punished for their follies and crimes. It may be that there is in store for us some terrible retribution for the fraud, and deception, and gross iniquity practised upon the people of this country in the election of this man to office. But if, in the inscrutable ways of Providence, he, who has been thus fraudulently elevated to power, should be the ill-fated instrument of our chastisement, the punishment may be just, but he will take no honor in its execution. If the result of his mischievous councils should, in any way, prove disastrous to our institutions—the stability, harmony, and permanency of the government—which there is now abundant cause seriously to apprehend, he will certainly have no place in the grateful remembrance of mankind. Fame he will have; but it will be of the character of that which perpetuates the name of Erostratus. And the more deeply blackened than even his, as the stately structure of this temple of our liberties is grander and more majestic than the far-famed magnificence of the Ephesian dome.

The crisis, sir, requires not only firmness of principle, but boldness of speech. As the immortal Tully said, in the days of Catiline, when Rome was threatened with the most imminent dangers, the time has come when the opinion of men should not be uttered by their voices only, but "*inscriptem sit in fronte unius cujusque quid de Republica senti*"—it should even be written upon the forehead of each one what he thinks of the Republic—there should be no concealment. In what I have to say, therefore, I shall use that character of speech which I think befitting the time and occasion.

The absorbing topic, both in this House and the country, is the war with Mexico. This is the subject which, above all others, demands our consideration. To this the bill upon your table relates. And upon it I propose to submit some views as briefly as possible. I do not, at this time, intend to discuss the causes of the war, or to recount the blunders and folly of the President, connected with its origin. This I have done upon a former occasion; and all the facts, I believe, are now well understood by the country. The President may repeat, as often as he pleases, that it was "unavoidably forced upon us." But such repetition can

never change the fact. It is a war of his own making, and in violation of the constitution of the country. And so history, I doubt not, will make up the record, if truth be fairly and faithfully registered in her chronicles.

But, sir, the war exists, and however improperly, unwisely, or wickedly it was commenced, it must be brought to a termination, a speedy and successful termination. By the unskilfulness or faithlessness of our pilot, we have been run upon the breakers; and the only practical inquiry now is, how we can be extricated in the shortest time, and with the greatest safety. This is the grave question which now engages public attention, and which, as patriots and statesmen, we ought to decide. And, in my opinion, this great question, relating as it does to the interest, the honor, and permanent welfare of the country, necessarily involves another of no small import and importance, and that is, for what objects should the war be waged? Before the ways and means can be devised for bringing it to an honorable conclusion, there must be some agreement as to the ultimate ends and purposes for which it should be prosecuted. This should be first settled. No system should be adopted until there is a distinct understanding upon this great and essential point. All wars, to be just, must have some distinct and legitimate objects to be accomplished—some rights to be defended and secured, or some wrong to be redressed. And one of the strangest and most singular circumstances attending this war is, that though it has lasted upwards of eight months, at a cost of many millions of dollars, and the sacrifice of many valuable lives, both in battle and by the diseases of the camp, no man can tell for what object it is prosecuted. And it is to be doubted whether any man, save the President and his Cabinet, knows the real and secret designs that provoked its existence. Upon these points up to this time, as was remarked the other day by a distinguished senator in the other end of the Capitol, (Mr. CALHOUN,) we are left “only to inference.” This, sir, is a strange spectacle, but it is nevertheless true. And I submit it to this House and this country, whether it shall be permitted longer to exist? When the people are called on to spend their treasure and blood, should they not know the reason of the call and the ends proposed to be attained? In 1812, before a resort to arms was had against Great Britain, the subject was maturely considered for weeks and for months, and a public manifesto of our wrongs was given to the world in justification of the righteousness of our cause. The grievances and oppressions that led to the war of the Revolution were embodied and set forth in the Declaration of Independence, which will remain forever, not only an unanswerable vindication of the course of our fathers, but an enduring monument of the wisdom and patriotism of the age in which they lived.

But, sir, where now is your declaration or manifesto? It is true that the President, in his last annual message, gave us a

long list of Mexican aggressions upon the commerce and trade of our citizens, running back to a date anterior even to that of the existence of that nation as a separate and independent political body. But this was done, everybody knows, more in an attempt to justify himself for a violation of law, than to take the consultation or advice of Congress. For he knew, though he failed so to say, that these spoliations, however wrongful, had been duly acknowledged, and had been settled by treaty. The amende honorable had been made, so far as national honor was concerned. They had been merged in a debt by acknowledgment, and payment had been promised. It is certainly now too late to go beyond our own treaty, solemnly ratified, to find causes to justify the present quarrel. It is useless to tell the country now what Gen. Jackson and others said in 1836, '38, and '39, and the recommendation of war then made; for everybody knows that since that time these differences have been adjusted by negotiation.

It is true Mexico failed to pay the instalments as they became due, according to the terms of the stipulations of 1843, and I admit that this would have been a proper subject for the President to have submitted to the consideration of Congress, if he had chosen, for them to have taken such a course as they might have thought most advisable. But, I am far from saying, and I take this occasion to assert it, that if he had so done, that I should have been for declaring war on that account. The amount was but about two millions and a half. And, it is admitted on all hands, that the failure to pay arose solely from inability. Mexico had done all in her power to meet her engagements. She had even resorted to the extreme expedient of forced loans to raise the money. Sir, I am no advocate of that relic of barbarism which justified vengeance against the persons of those who, by misfortune or otherwise, were unable to meet their obligations. The spirit of this age has tended greatly and wisely to relax the rigor of the laws, so far as debtor and creditor is concerned. It may now be a man's misfortune not to be able to meet the conditions of his bond, but it is no longer a crime. And I see no reason why the same principle should not be applied to nations as well as individuals. Certainly we have too many illustrious examples amongst ourselves, not only of default, but open repudiation, to be foremost in establishing this principle of coercion. How many of the States of this Union set the example which Mexico but too closely followed? If arms are to be resorted to compel the payment of debts, what would become of Pennsylvania, Illinois, Michigan, Mississippi, Indiana, and Arkansas, to say nothing of Texas? Arkansas owes you, sir, half a million of dollars herself. The Smithsonian fund, which was received by this government, was to that amount vested in her bonds, and we are bound for it. This is one fifth of what Mexico owes. Yet Arkansas is unable to pay even the interest.

But who here would rise and recommend war against her because of her inability? I mention these States from no feelings of unkindness to them. Some of them, which for a time suspended, have already commenced payment. They all would, doubtless, pay if they could. And I can but believe that the day will come when this *stain*, if gentlemen will have it so, will be attached to no State in the Union. But, sir, I should not have been in favor of presenting to the world the shameless spectacle of going to war to make other people comply with their engagements, when we have so many instances of default amongst ourselves. Again, sir, it would have come, I fancy, with a very bad grace from this administration to recommend war against Mexico for the collection of a stipulated indemnity for her spoliation on the commerce of one of our citizens, so long as the French affair remains unadjusted. If our honor, which gentlemen now seem to regard so tenderly, is involved in this matter, why have they slept so long over the wrongs of France, committed near half a century ago? That spoliation, to the amount of at least five millions, were made by that government against the property of citizens of this, no one denies. It is believed by some that these claims were assumed by this government. If so, why have they not been paid? Why did the President, who would make us believe that he looked so anxiously after such matters, veto the bill which passed at the last session to render that justice which had been so long deferred? Was it upon the grounds that this government had never assumed the debt? Well, then, why should we not now compel France to render the proper indemnity? Is she less obnoxious to the charge of offering an insult to our flag than Mexico? And where is the justification, the consistency, or honor, of the policy that would resort to war to compel the payment of two millions and a half from a weak people, unable to pay, when five millions have been suffered to remain unadjusted so long by a nation abundantly able, and who would be a "foe worthy our steel?"

But I intended, however, upon this point, barely to say that, if this subject of claims against Mexico had been submitted to Congress by the President, with a recommendation of war for their enforcement, I should have voted against it. But, sir, this House knows, and the world knows, that these claims were not the cause of this war. And, though they must be looked to and provided for in the settlement of the present controversy, yet this results rather as a necessary incident of the war, than from their being in any way one of its primary objects.

And I again propound the question, for what object or objects ought the war to be prosecuted? This is the returning, the important, and the leading question. It overrides all others; and upon its determination my position depends. If the end aimed at be the settlement of the matters of difference between the two countries honorably, I am for as "vigorous a prosecution of the

war" for these objects as any one ought to be. And whatever may be necessary to sustain the honor of the country, so long as the conflict lasts, shall not be withheld by my vote. But if it is to be a war of aggression and conquest I am opposed to it, utterly and unconditionally. And it was to test the sense of the House upon this subject I submitted some resolutions a few days ago, which are in the recollection of all. Those resolutions have been assailed and denounced with a spirit, in my opinion, displaying more of partizan zeal than due deliberation for the best interest of the country. It is not my object now to enter at large into their explanation or defence. I will barely say, that they had no reference to the conduct of the war. They involved neither the disgrace of retreat, nor the committal of any one upon the question of whether defensive or offensive operations would be the better policy. Whether a line of military posts should now be established and defended, until our enemy shall get in a humor to treat; or whether the most desolating invasion should be pushed forward, as one gentleman has argued:

"Even until
The gates of mercy shall be all shut up,
And the flesh'd soldier, rough, and hard of heart,
In liberty of bloody hand shall range,
With conscience wide as hell, mowing like grass,
Their fresh, fair virgins and blooming youth."

[Here Mr. TIBBATS rose and said, he supposed the gentleman referred to him; but he did not mean by the quotation he used to indicate the spirit with which the war should be prosecuted.]

Mr. STEPHENS continued. Sir, I am glad to hear the disclaimer. I understood the gentleman so to argue. And without expressing any opinion upon the system of operations to be adopted, I will take occasion to say, that I hope never to see the fame and character of this country tarnished by such a policy as that.

But the resolutions I allude to involved none of these questions. They looked simply to a clear and specific declaration of the objects aimed at, with a disavowal of the intention of permanent conquests.

Am I asked what good can result from such an expression by Congress? I answer, much. In the first place, it is due to Mexico to let her know distinctly what we want. At this time there is nothing that so excites, unites, and animates her people as the instincts of national existence. They look upon the war, not as one resulting from a dispute about an unsettled boundary, but a war of religion and races. The motto with them is, "*Ser, o no ser*," "To be, or not to be," is their watchword. They are fighting for the integrity of their country; their homes, their fire-sides, and their altars. Let them know that you aim at no such objects; that peace is what you want—an honorable peace, and nothing more; and you will do more to effect it, than you will

do by storming a hundred fortified towns, or capturing as many armies.

But in the second place it is due to ourselves. For although the President has said more than once that he is desirous of obtaining "an honorable peace," and that "the war is not waged with a view to conquest," yet I suppose that no friend of his on this floor will even venture to presume that anybody at all conversant with the unparalleled duplicity by which his whole administration has been eminently distinguished, would be willing to do him so great injustice as to say that he believes him. Actions are often more to be relied on than words. And every act of his in relation to our affairs with Mexico, even before the commencement of hostilities, as well as since, displays his policy too clearly to be mistaken. What other construction can be put upon his order to our naval officers in the Pacific in the summer of 1845, long before the rupture occurred, which he seems then to have been devising. What other language does the order to Col. Stevenson speak? Here it is; let all men judge for themselves:

WAR DEPARTMENT, June 26, 1846.

SIR: The President having determined to send a regiment of volunteers around Cape Horn to the Pacific, to be employed in prosecuting hostilities to some province of Mexico, probably in Upper California, has authorized me to say, that if you will organize one on the conditions hereinafter specified, and tender its services, it would be accepted. It is proper it should be done with the consent of the Governor of New York. The President expects, and, indeed, requires, that great care should be taken to have it composed of suitable persons—I mean of good habits—as far as practicable, of *various pursuits, and such as would be likely to remain, at the end of the war, either in Oregon, or in any other territory in that region of the globe which may then be a part of the United States.* The act of the 13th May last, authorizes the acceptance of volunteers for twelve months, or during the war with Mexico. The condition of the acceptance, in this case, must be a tender of service during the war; and it must be explicitly understood that they may be discharged, without a claim for returning home, wherever they may be serving at the termination of the war, provided it is in the ~~then~~ territory of the United States, or may be taken to the nearest or most convenient territory belonging to the United States, and there discharged.

The men must be apprized that their term of service is for the war; that they are to be discharged as above specified; and that they are to be employed on a distant service. *It is, however, very desirable that it should not be publicly known or proclaimed that they are to go to any particular place.* On this point, great caution is enjoined.

The communication to the officers and men must go so far as to remove all just grounds of complaint that they have been deceived in the nature and the place of the service.

It is expected that the regiment will be in readiness to embark as early as the 1st of August next, if practicable. Steps will be immediately taken to provide for transportation.

Very respectfully, your obedient servant,

W. L. MARCY, *Secretary of War.*

Colonel J. D. STEVENSON. *New York city.*

Does not this show some "view" to conquest—some idea of having some territory in some distant region of the globe, which was not ours at the beginning of the war? What other meanings have the provincial governments established in California and New Mexico? Hear the proclamation of Commodore Stockton, made, if not in obedience to orders, at least without objection or rebuke:

"I, Robert Stockton, Commander-in-chief of the United States forces in the Pacific ocean, and *Governor of the Territory of California*, and commander-in-chief of the army of the same, do hereby *make known to all men*, that having, by right of conquest, taken possession of that territory, known by the name of Upper and Lower California, I do now declare it to be a *Territory of the United States*, under the name of the Territory of California."

Again; hear the proclamation of General Kearny:

"The United States hereby absolves all persons residing within the boundaries of New Mexico from any further allegiance to the Republic of Mexico, and hereby claims them as citizens of the United States. Those who remain quiet and peaceable, will be considered good citizens, and receive protection; those who are found in arms, or instigating others against the United States, will be considered as traitors, and treated accordingly."

Does not this look like conquest in its fullest accomplishment—the subjugation of the people, and the change of their allegiance? To what else could the President have referred in his last annual message, when he congratulated the country upon "*the vast extent of our territorial limits?*"

Why, Mr. Chairman, the evidence is overwhelming. What other object has the bill upon your table, and what is all this debate about the "*Wilmot proviso*," but a quarrel in advance about the partition of territory, and the division of spoils intended to be wrested from Mexico. Sir, do gentlemen, or the President, suppose that, after the success of the *trick* of the "*Kane letter*," the people of this country are such absolute dupes as to be imposed upon by such jugglery as this? But if such be not the design of the President and his party in this House, why did they not so declare by their votes? Why were those resolutions so summarily rejected that sought nothing but a clear expression of the legislative will upon this subject? All these things afford "confirmation strong as proofs of Holy Writ" that the President, his denial to the contrary notwithstanding, is looking to the dismemberment of Mexico, and the subjugation of a portion of her territory.

Now, Mr. Chairman, I undertake to say that, however this war was commenced, whether by an invasion on the part of Mexico, or by the President, in assuming to establish a line of boundary by arms, when he knew full well that that was a matter unsettled between the two governments, its continuance can be justified upon but two grounds only; and if gentlemen know of any others, I should like to hear them openly declared. These two grounds

relate to the settlement of the question of boundary, which is the only ostensible cause of the war, and the payment or recognition on the part of Mexico of her debt, acknowledged by way of indemnity for the claims of our citizens. The first is the main one, the other secondary, and resulting, as I have said, as a necessary incident attending a state of war.

And when gentlemen speak of an honorable peace (and there are none, I believe, who do not so declare themselves), I wish to know what they mean by those terms? What, in their opinion, will constitute "*an honorable peace*?" I, too, profess to be in favor of "*an honorable peace*;" and by an honorable peace, I mean the honorable settlement of the matters in dispute; and so long as this object is had in view, I am ready and willing to give all assistance and means necessary for its accomplishment, not only by voting men and money, so long as any is left in the treasury, but even taxation upon the people, if it should come to that. But, beyond this, the attainment of a peace upon the terms I have mentioned, I shall never go. And if gentlemen upon this floor, or the President, have any other purpose covered under the terms of "*an honorable peace*," what is it? Do they suppose that the people of this country hold in such slight remembrance the principles upon which their government is founded, as to be prepared to sustain a war waged for an object no higher or nobler than that which springs from an unholy lust of dominion and the spread of empire? Do they suppose that this country, which has not yet arrived to the full vigor of manhood, has so soon forgotten the lessons of its early instruction, as to be ready to enter upon that wild career of military prowess which has been the bane of so many nations which have gone before us, and has been the destruction of all former republics? If this be the calculation of those who mean by "*an honorable peace*" nothing short of exacting from Mexico some of her departments or States, be it so; but I beg to protest against it, not only for myself, but for the country also. Mr. Chairman, I do not think I am mistaken in the character or spirit of the American people. I know that for courage and bravery they are unsurpassed, if not unequalled, by any people in the world. I am also fully persuaded that they too highly appreciate the rights and privileges they enjoy ever to permit them to be assailed by any enemy, however strong; that they hold in too high estimation the rich inheritance bequeathed to them ever to allow it to be wrested from them by any force, however powerful; that they also too tenderly and sensitively cherish that high sense of honor which characterized their fathers ever to permit a public injury to go unredressed, or a national insult to pass unatoned. But I am far from believing they are prepared to set themselves up as the reformers of the world, either in government or religion. As they value their own institutions, and would risk every thing, life, fortune, and all, in their defence, so they respect those of others, and have no disposition to interfere with them. Sir, I am

no enemy to the enlargement of our boundaries, when it can be properly done. But free institutions never did, and never will, enlarge the circuit of their extent by force of arms. The history of the world abounds with many melancholy examples in illustration of the truth of this position. No principle is more dangerous to us than that of compelling other nations to adopt our form of government. It is not only wrong in itself, but is contrary to the whole spirit and genius of the liberty we enjoy; and, if persisted in, must inevitably result in our downfall and ruin. No instance is to be found upon record of any republic's having ever entered upon such a hazardous crusade, which did not end in the subversion of its own liberties and the ultimate enslavement of its own people. And, before embarking upon so dangerous an enterprise, I trust we shall have some security and guarantee that we shall, at least, escape the fate of those whose examples we follow. Sir, I very much fear that the people of this country are not sufficiently awake and alive to the mischievous and ruinous schemes of those to whom they have for a time confided the management of public affairs. Mr. Madison long since uttered the prophetic warning, that "*if a free people be a wise people also, they will NEVER FORGET that the danger of surprise can never be so great as when the advocates of the prerogative of war can sheath it in a symbol of peace.*" And never in our history did the times so strongly require a practical consideration of this solemn admonition.

But some gentlemen, who will not directly avow the principle of conquest as the object of the war, yet take the position that territory must be acquired as its result, by way of *indemnity* for what Mexico owes us and the expenses of the war—that she is unable to pay in money, and territory must be taken. Now, sir, I am equally opposed to this; for how could any of the Mexican territory so acquired by possibility be considered an *indemnity*? An indemnity is something to save from loss—something of pecuniary value; but how could these departments of Mexico—California and New Mexico, if you please—converted into American territories or provinces, be of any such value to us? Will you make a Sicily of one, and place it under the Prætorship of a Verres to exact tribute from the inhabitants, and in this way secure indemnity; and make a Bombay of the other, and place it under the rule of a Hastings, who, by grinding oppression, shall cause annual streams of treasure to flow in your coffers? How else can this acquisition in any way ever be of any value or source of profit? So far from being an indemnity, who does not know that they would necessarily be the cause of largely increased expenditures—forts and fortifications would have to be erected—all requiring heavy appropriations of money, besides continual expenditures necessary to keep up territorial governments. And whence would come any thing in the nature of reimbursements to meet these heavy outlays, to say nothing of the enormous cost of their acquisition? Would it

come from the sale of public lands? These are already held in fee by legal proprietors, as is generally known. How then can this be called an *indemnity*, either for the debt that Mexico owes us, or the expenses of the war? The bonds of Mexico, if never paid, would be a much better indemnity; for they would at least be free from continual expense. Sir, by this acquisition we would get nothing but the empty right of jurisdiction and government over an unwilling people, unused to the restraints of law, which will be the source of incalculable troubles and difficulties, which no wisdom can now foresee. What will be done with the people themselves? Are they to be made citizens? Spaniards, Indians, Mestizoes, Mulattoes, Negroes, and all?

Sir, it seems to me that every consideration of patriotism, as well as sound judgement, requires us to say at once to Mexico, that we do not desire a dismemberment of her Confederacy—that we do not want any of her territory acquired in this way.

Would there be any thing *disgraceful* in making such a proclamation as this? Has it any thing to do with a withdrawal of our troops, or the *dishonor of a retreat from the enemy*?

Mr. Chairman, some gentlemen seem to have strange notions of national *disgrace* and national dishonor. I do not profess to be very well informed in such matters, but I may be permitted to say, that according to my opinion of national honor, we should not lose half so much by a withdrawal of our army, not only to the Rio Grande, or the Nueces, or even to the capital itself, as by the passage of this bill now under consideration. The withdrawal of the army might be a very unwise policy, but it could never be considered a disgraceful one. We have triumphantly met our enemy upon too many battle-fields for any policy we might adopt to be subject to such imputation. The valor of our arms, I trust, will never be considered as tarnished for refusing to strike a fallen foe. The victories of Palto Alto, Resaca de la Palma, and Monterey will not soon be forgotten. In all of which the greatest glory of the achievement was the mercy and the magnanimity shown to the vanquished. Our honor, therefore, could not suffer by any disposition of our arms. But, sir, this bill proposes to obtain a victory, not by the gallantry and chivalry of our troops, but by the corrupting influence of money; the policy it adopts is not to *conquer a peace* but to *buy one*. It rests upon the principle that national honor is a merchantable commodity—a thing to be *bought*; and I suppose, if occasion should offer, to be *sold also*. And yet, it is advocated by those who thrust themselves forward as the exclusive champions of the character and fame of the country. I have no admiration for such honor as this, and quite as little patience with its advocates. Our fair escutcheon shall never be tarnished by such a blot by my sanction. I have as little regard for the honor of such a transaction, as I have use for territory so obtained.

To be even *driven* from the field after a manly resistance would not, in my opinion, be so disgraceful as to sue for quarters by paying tribute to the enemy. For, after all, the fortunes of war do not always turn to the advantage of the bravest, the most valiant, or the most deserving. And the greatest honor is often acquired where success falls far short of being equal either to the justice of the cause or the merit of the effort. But never yet have I heard of a nation that increased the lustre of its fame or the valor of its arms by offering money to suspend a conflict. Is it said that Congress made a similar appropriation at the request of Mr. Jefferson when Louisiana was acquired—and to Mr. Monroe when Florida was obtained? Sir, the cases are not analogous. We were not then at war. Those acquisitions were made by purchase—fairly, honorably, and peaceably effected. And with what face can those who advocate such an ignominious proceeding as this, which has no parallel even in the corruptest Courts of Europe, where statesmanship consists in intrigue and diplomacy, charge that open declaration of purpose which I propose, with involving in any degree a compromise of national honor? If we do not aim at the dismemberment of Mexico—if we do not desire any of her territory as the result of this war, either under the appellation of conquest, or the more specious but less true cognomen of *indemnity* is there any thing disreputable to our character in so declaring to the world? Sir, for one, I repeat, I do not want any territory acquired in this way, nor do I believe the people of this country desire it.

And besides the reasons already offered, which of themselves would ever control me, there are others of great importance, growing out of the nature of the union of these States, which should be gravely considered before bringing in this new element of strife. Who can sit here and listen to the debates daily upon this question, and look unmoved upon the prospect before us? This Wilmot proviso, and the resolutions from the Legislatures of the States of New York and Pennsylvania, and Ohio, all of the same character and import, speak a language that cannot be mistaken—a language of warning upon this subject, and which the country, if wise, would do well to heed in time. They show a fixed determination on the part of the North, which is now in the majority in this House, and ever will be hereafter, that, if territory is acquired, the institutions of the South shall be forever excluded from its limits; this is to be the condition attached to the bill upon your table! What is to be the result of this matter? Will the South submit to this restriction? Will the North ultimately yield? Or shall these two great sections of the Union be arrayed against each other? When the elements of discord are fully aroused, who shall direct the storm? Who does not know how this country was shaken to its very centre by the Missouri agitation? Should another such a scene occur, who shall be mighty enough to prevent the most disastrous consequences?

The master spirit of that day is no longer in your councils. Shall another equally great and patriotic ever be found? Let not gentlemen quiet their apprehensions by staving off this question. It has to be met, and better now than at a future day. It had better be decided now, than after more blood and treasure has been spent in the pursuit of that which may ultimately be our ruin. Upon the subject of slavery, about which so much has been said in this debate, I shall say but little. I do not think it necessary to enter into a defence of the character of the people of my section of the Union, against the arguments of those who have been pleased to denounce that institution as wicked and sinful. It is sufficient for me and for them that the morality of that institution stands upon a basis as firm as the Bible; and by that code of morals we are content to abide, until a better be furnished. Until Christianity be overthrown, and some other system of ethics be substituted, the relation of master and slave can never be regarded as an offence against the Divine laws. The character of our people speaks for itself. And a more generous, more liberal, more charitable, more benevolent, more philanthropic, and a more magnanimous people, I venture to say, are not to be found in any part of this or any other country. As to their piety, it is true they have "*none to boast of.*" But they are free from that pharisaical sin of self-righteousness, which is so often displayed elsewhere, of forever thanking the Lord that they are not as bad as other men are.

As a political institution, I shall never argue the question of slavery here. I plead to the jurisdiction. The subject belongs exclusively to the States. There the constitution wisely left it; and there Congress, if it acts wisely, will let it remain. Whether the South will submit to the threatened proscription, it is not my province to say. The language of defiance should always be the last alternative. But as I value this Union, and all the blessings which its security and permanency promise, not only to the present but coming generations, I invoke gentlemen not to put this principle to the test. I have great confidence in the strength of the Union, so long as sectional feelings and prejudices are kept quiet and undisturbed—so long as good neighborhood and harmony are preserved amongst the States. But I have no disposition to test its strength by running against that rock upon which Mr. Jefferson predicted we should be finally wrecked. And the signs of the times, unless I greatly mistake them, are not of a character to be unheeded. With virtue, intelligence, and patriotism, on the part of the people; and integrity, prudence, wisdom, and a due regard to all the great interests of the country, on the part of our rulers, a bright and a glorious destiny awaits us. But if bad counsels prevail—if all the solemn admonitions of the present and the past are disregarded—if the policy of the administration is to be carried out—if Mexico, the "forbidden fruit," is to be seized at every hazard, I very much fear that those

who control public affairs, in their eager pursuit after the unenviable distinction of despoiling a neighboring Republic, will have the still less enviable glory of looking back upon the shattered and broken fragments of their own confederacy. And, instead of "revelling in the halls of Montezuma," or gloating over the ruins of the ancient cities of the Aztecs, they may be compelled to turn and behold in their rear another and a wider prospect of desolation, carnage, and blood.

Mr. Chairman, it was asked by him who spake as man never spake, "*What shall a man be profited, if he gain the whole world and lose his own soul?*" And may I not, with reverence, ask what we shall be profited as a nation, if we gain any part, or even the whole of Mexico, and lose the Union, the soul of our political existence? The Union is not only the life, but the soul of these States. It is this that gives them animation, vigor, power, prosperity, greatness, and renown; and from this alone spring our hopes of immortality as a common people.



SPEECH ON THE TERRITORIAL BILL: ["CLAYTON COMPROMISE."]

DELIVERED IN THE HOUSE OF REPRESENTATIVES,

AUGUST 7, 1848.

The House having under consideration the two Messages of the President in relation to Peace with Mexico and the organization of Territorial Governments for New Mexico and California—

Mr. STEPHENS obtained the floor, and said:

Mr. SPEAKER: The messages of the President now under consideration embrace subjects of grave and momentous interest, involving the peace, the happiness, the prosperity and honor, as well as perhaps the safety, of the Republic. There are many topics alluded to in these messages which require the calm and dispassionate consideration of this House, and also the mature and deliberate consideration of the people of this country. So far as this House is concerned, I do not believe that the proper consideration can be given to them at this session. The time is too short, even if the prevailing temper here was not unsuited, as it is, from the excitement of a Presidential canvass, to enter upon the investigation with that freedom from passion and coolness of judgment so essential for wise and prudent action. I intend, therefore, before taking my seat, to move that the further consideration of these messages be postponed for the present, and that they be laid on the table, to come up at the next session of Congress. Before making that motion, however, I wish to submit some views upon one of the subjects embraced in them.

I wish I had time to speak of all of them, particularly the President's attempted justification for the exercise of those extraordinary powers which he claims as his legitimate right, as a conqueror under the laws of nations, but one hour will not allow this. And I intend, at this time, to confine myself to one topic only, which is the organization of territorial governments in New Mexico and California.

[Here Mr. INGE, of Alabama, interrupted, and said that, from the intimation of the gentleman, he supposed he was going to discuss the slave question; and if so, he hoped he would not close his speech by moving to lay the subject on the table, but would allow the opportunity for a reply.]

Mr. S. continued by saying: It is not my object, Mr. Speaker, to prevent a reply. My intention was only to save time. If the gentleman from Alabama, or any other gentleman, wishes to continue this discussion, I, individually, have no objection, and, so far as the argument I shall submit is concerned, I shall certainly interpose no obstacle to any reply that any gentleman may desire to make. I therefore now notify the gentleman that I shall not make the motion just intimated.

The President, Mr. Speaker, in his reply to the resolutions of inquiry which passed this House some days ago, calling for information touching the character and form of government in these late conquests, seems to have misconceived the object and scope of those resolutions; and, in his message, refers only to those governments which were established by his own order, and which he says necessarily ceased at the termination of the war. Now, sir, my object was not only to inquire into that subject, but also to be informed of the nature and character of the governments which would necessarily exist there upon the displacement or dissolution, of those which were temporarily, illegally, and unconstitutionally, in my opinion, set up by himself. Before we can legislate properly for any people, and particularly the people of a conquered province, we must know something of the nature, character, and form of their government, and something of the laws in existence and in force in the country at the time of the conquest.

The object and intention of my resolutions was to get some information upon this point, as well as others. But upon this the answer to the call of the House is silent, and the absence of this information constitutes of itself a very good reason for opposition to any legislation by Congress over these territories, until it can be obtained. But, sir, I have much graver reasons than this for my opposition to the Territorial bill which was rejected the other day, in this House, on my motion. It is my object, at this time, to speak upon that measure which some gentlemen are pleased to call the "Compromise bill," but which might be more properly entitled Articles of Capitulation on the part of the South. So far from being a compromise, that bill proposed

nothing short of an abandonment of the position of the South, and a surrender of the just rights of her people, to an equal participation in the new acquisitions of territory. The surrender was *covert*, but it was no less *complete* and *absolute*.

This I intend to show. Never was any measure more grossly misnamed or miscalled. It was no compromise in any sense of the word. A compromise is a mutual yielding of rights, for the purpose of adjusting and settling differences and difficulties. But, in this case, there was no such mutual concession. The whole question was to be left, in the last resort, to the Supreme Court of the United States, upon whose decision one party was either to get all or lose all. And entertaining not the slightest doubt that under it the South was to lose all, I adopted the speediest and most effectual means of defeating it.

A gentleman from Virginia, the other day, [Mr. BAYLY,] intimated that the bill was laid upon the table for party effect and for party purposes; and he seemed to express great regret at the defeat of the measure. Sir, so far as the action of this House was concerned, I can answer for nobody but myself. I undertake to answer for no party, no partisan, and no other man. I know not by what motives others were actuated; perhaps the motives were as different and as numerous as the members themselves. But so far as I was concerned, I can tell the gentleman from Virginia, and the country, that I was governed by my own deliberate judgment upon the real character of the measure; and I trust I shall be able to show him and the country that I understood what I was doing when I met that bill with firm resistance at the very threshold of your action. It was in my opinion just such a measure as no man in this House from any quarter ought to have voted for, and particularly no man from the South.

And this, sir, I affirm, in the first place, because, while it was urged as a compromise and a settlement of the agitating question which now so greatly distracts the public mind, it really settled nothing, but opened wide the door for greater and more alarming excitement. Those gentlemen of the North who advocated it, claimed it as a complete triumph of their principles; while those of the South, I suppose, were prepared to go to their constituents, and tell them that it fully secured all their rights. Now, sir, I do not believe in compromises or settlements that are not fully and clearly and distinctly understood on both sides at the time.

What is the point of difference now between the two great sections of the Union? The North insists upon the policy of excluding the institutions of the South from the whole of the new territories, while the South contends that she is, in justice, entitled to an equal share of whatever country may be acquired by the common blood and treasure of all. And how was this difference proposed to be comprised and settled? Simply by the adoption of a measure, upon the meaning and import of which

leading men on both sides, at the time, differed as widely as they did upon the main question itself. So far from settling the question, or "pouring oil upon the troubled waters," such a measure could but have multiplied difficulties, increased excitement, and "added fuel to the flame." For this reason, in my judgment, the bill should have met favor from no quarter. The real question, the great issue between the two sections of the country, has to be met sooner or later, and no shifting of responsibility, in order to get a postponement for the purpose of carrying a Presidential election, or relieving a candidate from an almost universally condemned position, will successfully evade it. And when it is met, I want it met fairly and squarely.

But, in the second place, Mr. Speaker, it is my object to show that, for far greater and more controlling reasons, no southern man should have voted for that measure. I do not often make sectional appeals upon this floor—never, unless to repel attacks, or to maintain what I believe to be right and just. In this instance, I feel bound to do so, no less in obedience to my own inclination, than from a sense of duty to those whose honor and interests have been confided to my charge. And that duty I shall this day discharge, faithfully and fearlessly, let the consequences be what they may. That bill, I repeat, proposed a total abandonment and surrender of the rights of the South. Not an open abandonment, but a covert one. I do not mean to say that those gentlemen who favored it, and who regret that it did not pass, so considered it. But such would have been, nevertheless, its effect. And I will invite the close attention of those gentlemen who differ from me upon this subject to the views I shall present, and the positions I shall assume. For I not only challenge, but I defy a refutation of them.

To be understood more clearly, I will read the terms of the bill itself, so far as it relates to slavery in New Mexico and California. It will be seen that all legislation by the territorial governments "respecting the prohibition or establishment of African slavery" was to be prohibited; and all questions relating to titles to slaves there, or their right to freedom, was to be left ultimately to the decision of the Supreme Court of the United States. Here are the words of the bill—

"SEC. 26. *And be it further enacted*, That the legislative power of said Territory shall, until Congress shall otherwise provide, be vested in the Governor, Secretary, and Judges of the Supreme Court. who, or a majority of them, shall have power to pass any law for the administration of justice in said Territory, which shall not be repugnant to this act, or inconsistent with the laws and Constitution of the United States. But no law shall be passed interfering with the primary disposal of the soil, respecting an establishment of religion, or respecting the prohibition or establishment of African slavery; and no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of resi-

dents. All the laws shall be submitted to the Congress of the United States, and, if disapproved, shall be null and void."

And in the 31st section, after providing for the organization of territorial courts, the following provision is found :

"Writs of error and appeals from the final decisions of said supreme court shall be allowed, and may be taken to the Supreme Court of the United States, in the same manner and under the same regulations as from the circuit courts of the United States ; except only that in all cases involving title to slaves the said writs of error or appeals shall be allowed and decided by the said supreme court, without regard to the value of the matter, property, or title in controversy ; and except, also, that a writ of error or appeals shall be allowed to the Supreme Court of the United States from the decision of the supreme court created by this act, or any judges thereof, or of the district courts created by this act, or of any judges thereof, upon any writ of habeas corpus involving the question of personal freedom, etc."

The bill contains nothing else which bears materially upon the subject of slavery. It merely prohibits the territorial government from passing any law upon the subject ; and leaves the southern man, who may be inclined to go there with his slaves, to contest his rights to the best of his abilities with the courts of the territory in the first instance, and then, if he chooses, with the Supreme Court of the Union.

All that the bill does is to guard against the passage of any law for the protection of the master ; but opens wide the door of expensive and almost endless litigation between him and his slave, without affording him even the shadow of a semblance of a hope that his rights, at the end of the law, will ever be recognized or enforced.

The most interesting of all questions, Mr. Speaker, to the South upon this point, is, by what law will the territorial courts in the first instance, and the Supreme Court of the United States in the last resort, decide the question of freedom between the master and slave ? It is not the province of courts, in their judicial character, to make laws ; they can only decide upon laws after they are made. And, in the absence of legislation by Congress, and the territorial governments, upon this subject, by what law, I ask, will the courts decide questions between the master and his slave in these territories ? This, sir, is a great and vital question for us to consider—not as partisans, but as statesmen, and as legislators—before we refer a subject of so much interest to their decision. It is certainly a matter of the utmost importance to the people of the South that they should not be left in ignorance upon it. And, so far as my ability goes, they shall not be.

I set out, then, by stating that, according to the best, ablest, and most approved writers on public law, and according to the decisions of the courts in England in analogous cases, and according to the repeated decisions of our own Supreme Court, to which this bill proposed to refer this matter, (in the absence

of such legislation as I have alluded to,) the law by which the courts would decide questions of slavery there, is the law which was in force in New Mexico and California, upon that subject, at the time of the conquest. The general principles, which I understand to be recognized and well settled amongst civilized nations in modern times, in relation to conquest, are, that all the laws which were in force in the conquered country at the time of the conquest, are held to continue in force until altered or modified by the conquering power, except such as may be inconsistent with the fundamental law of the conquering power, or inconsistent with some stipulation in the final treaty, or such as were purely political in their character, and concerned only the relations between the people and their former sovereign or ruling power. This I state as a proposition which no man can controvert. In barbarous times, when a people were conquered, they might, by the laws of war, be put to the sword, or be reduced to the condition of slaves. With the progress of civilization, however, this principle has been modified. According to the modern doctrine, the relations of the people toward their sovereign or ruling power, in whatever form of government, are changed; but their relations toward each other and their laws, as before stated, remain until modified or altered by the new governing power.

Upon this subject Grotius, in his work, (Book III., chapter xv., section 9,) citing the case of the Jews, which might, perhaps, be referred to from much higher authority, says:

"Thus the government continued among the Jews in the *Sanhedrim*, even after *Archelaus* had been stript of his kingdom, And *Evagoras*, King of Cyprus, (as *Diodorus* relates,) said he would obey the King of Persia, but that as one king did another."

Upon the text above, so far as it relates to the Jews, the author has a note in the following words:

"That is to say, they judged according to their own laws, as did most of the people dependent upon the Roman Empire. For the rest, before *Archelaus* was banished to Vienna, the complete sovereignty was no longer in the Jewish nation."

In another place, Book 1, chapter iii., section 22, note 3, the same author says:

"They, (the Jews,) likewise followed their own laws, and punished their own delinquents, according to the customs of their own country."

This, however, was the case only so long as the Romans permitted it. For *Josephus* expressly observes, "that, after Jerusalem was taken by *Romulus*, the Jews lost their liberty, and became subjects." From this it will be seen that even in that early day, after the conquest of their country, the laws and customs of the Jews were continued until changed and abrogated by the conquerors—the Romans. Upon the same point *Vattel* says, in his work upon the law of nations, page 451:

"A prince taking a town or a province from his enemy, can justly acquire over it the same rights only as belonged to the sovereign against whom he had taken arms. War authorizes him to possess himself of what belonged to his enemy; if he deprives him of the sovereignty of a town or province, he acquires it as it is, with all its limitations and modifications."

Again, he says, on page 452:

"But at present war is less terrible to the subject; things are transacted with more humanity; it is against one sovereign that another makes war, and not against the quiet subjects. The conqueror lays his hands on the possessions of the state, on what belongs to the public while private persons are permitted to retain theirs. They suffer but indirectly by war, and to them the result is, that they only change masters."

And, again, the same author says, on page 453:

"We are always to remember, that the law of nations permits no injury to be done to an enemy, unless in taking measures necessary for a just defence, and a reasonable security. Some princes have only imposed a tribute on it, others have been satisfied with stripping it of some privileges, dismembering a province, or keeping it in awe by fortresses; others, as their quarrel was only with the sovereign in person, have left a nation in the full enjoyment of all its rights, only setting a sovereign over it. But if the conqueror thinks proper to retain the sovereignty of the vanquished state, and has such a right, the manner in which he is to treat the state still flows from the same principles. If the sovereign be only the just object of his complaint, reason declares, that by his conquests he acquires only such rights as actually belonged to the dethroned sovereign; and, on the submission of his people, he is to govern it according to the laws of the state."

These authorities sustain the position I assumed. They could be multiplied to a much greater extent. But I said the same principles had been settled by solemn adjudication in the English courts, and I now ask the attention of the House to one case decided by Lord Mansfield in 1774. It is the case of *Campbell vs. Hall*, reported in 1st Cowper, 205. The principles involved in it are very analogous, indeed, to many that may arise out of our late war, and the conduct of our executive in assuming the power to lay and collect duties in the Mexican ports, out of our own citizens, without authority of law.

Campbell, the plaintiff, was a natural born subject of the Kingdom of Great Britain, and on the 3d of March, 1763, purchased a plantation in the Island of Granada, which had been taken from the French by the British arms in open war some time before. The King, by virtue of his royal prerogative, imposed a duty of four and a half per cent. upon all sugars exported from the Island of Granada. Campbell paid the duty, and then brought an action against the collector for the money. The whole doctrine and principle of conquest as recognized by the courts of Great Britain seem to have been discussed. The reporter says the case was elaborately argued four several times, and Lord Mansfield finally delivered the unanimous opinion of the court.

And in that opinion I call the attention of the House to the following principles, stated on the 208th and 209th pages of the 1st volume of Cowper's reports :

"A great deal has been said, and many authorities cited, relative to propositions, in which both sides seem to be perfectly agreed ; and which indeed, are too clear to be controverted. The stating some of those propositions which we think quite clear, will lead us to see with greater perspicuity, what is the question upon the first point, and upon what hinge it turns. I will state the propositions at large, and the first is this :

A country conquered by the *British* arms becomes a dominion of the king in the right of his crown ; and, therefore, necessarily subject to the legislature, the parliament of *Great Britain*.

The 2d is, That the conquered inhabitants once received under the king's protection, become subjects, and are to be universally considered in that light, not as enemies or aliens.

The 3d, That the articles of capitulation upon which the country is surrendered, and the articles of peace by which it is ceded, are sacred and inviolable according to their true intent and meaning.

The 4th, That the law and legislative government of every dominion equally effects all persons and all property within the limits thereof ; and is the rule of decision for all questions which arise there. Whoever purchases, lives, or sues there, puts himself under the law of the place. An *Englishman in Ireland, Minorca, the Isle of Man, or the Plantations*, has no privilege distinct from the natives.

The 5th, That the laws of a conquered country continue in force, until they are altered by the conqueror : the absurd acception as to *Paganz*, mentioned in *Calvin's* case, shows the universality and antiquity of the maxim. For that distinction could not exist before the Christian era ; and in all probability arose from the mad enthusiasm of the *Croisades*. In the present case the capitulation expressly provides and agrees, that they shall continue to be governed by their own laws, until his majesty's further pleasure be known.

The 6th, and last proposition is, that if the king, (and when I say the king, I always mean the king without the concurrence of parliament,) has a power to alter the old and to introduce new laws in a conquered country, this legislation being subordinate, that is, subordinate to his own authority in parliament, he cannot make any new change contrary to fundamental principles : he cannot exempt an inhabitant from that particular dominion ; as, for instance, from the laws of trade, or from the power of parliament, or give him privileges exclusive of his other subjects ; and so in many other instances which might be put."

The fourth and fifth of these propositions contain the principles upon which I rely. The fifth contains in express terms what I have stated, that "*the laws of a conquered country continue in force until they are altered by the conqueror.*"

Some stress in this case seems to have been laid on the terms of capitulation at the time of the conquest. Amongst other things it is said, it was expressly stimulated "that Granada should continue to be governed by its present laws until his Majesty's further pleasure." So far as that is concerned, the case is identical with the conquest of New Mexico and California. General Kearny, in his proclamation at Santa Fe, on the 22d August, 1846, uses this language :

"It is the wish and intention of the United States to provide for New Mexico a free government, with the least possible delay, similar to those in the United States; and the people of New Mexico will then be called on to exercise the rights of freemen, in electing their own representatives to the territorial legislature. *But until this can be done, the laws hitherto in existence will be continued until changed or modified by competent authority*; and those persons holding office will continue in the same for the present, provided they will consider themselves good citizens, and are willing to take the oath of allegiance to the United States."

And in his proclamation at Monteray, in California, on the 1st day of March, 1847, he uses similar language, as follows:

"It is the desire and intention of the United States to procure for California as speedily as possible a free government like that of their own territories, and they will very soon invite the inhabitants to exercise the rights of free citizens in the choice of their own representatives, who may enact such laws as they deem best adapted to their interest and well-being. *But until this takes place the laws actually in existence, which are not repugnant to the Constitution of the United States, will continue in force until they are revoked by competent authority*; and persons in the exercise of public employments will for the present remain in them, provided they swear to maintain the said Constitution, and faithfully discharge their duties."

These proclamations were the terms of the capitulation. By the promises and assurances therein given, the people were induced to surrender, and offer no further resistance to our arms. And according to the opinion of Lord Mansfield just read, the terms of the capitulation in each case, by the laws of nations, would be held "sacred and inviolable according to their true intent and meaning." But, sir, the same rule would apply even if there had been no such terms of capitulation. The capitulation only increases the obligation to adhere to the general rule that the laws of a conquered people, with the exception before stated, continue in force until altered by the new governing or conquering power.

It remains for me now to show that the same principle has been repeatedly recognized and settled by our own Supreme Court. For this purpose I refer, first, to the opinion given by Chief Justice Marshall in the case of the American Insurance Company et al. vs. Carter, 1st Peters, 542. In this case that learned judge used the following language:

"The constitution confers absolutely on the government of the Union the powers of making war and of making peace; consequently that government possesses the power of acquiring territory either by conquest or by treaty. The usage of the world is, if a nation be not entirely subdued, to consider the holding of conquered territory as a mere military occupation until its fate shall be determined at the treaty of peace. If it be ceded by the treaty, the acquisition is confirmed, and the ceded territory becomes a part of the nation to which it is annexed; either on the terms stipulated in the treaty of cession, or on such as its new master shall impose. On such transfer of territory, it has never been held that the relations of the inhabitants with each other undergo any change. Their

relations with their former sovereign are dissolved, and new relations are created between them and the government which has acquired their territory. The same act which transfers their country, transfers the allegiance of those who remain in it. And the law, which may be demonstrated political, is necessarily changed, although that which regulates the intercourse and general conduct of individuals, remains in force until altered by the newly created power of the State."

Again, in the same case, page 544, he uses this language:

"It has been already stated, that all the laws which were in force in Florida, while a province of Spain, those excepted which were political in their character, which concerned the relations between the people and their sovereign, remained in force until altered by the government of the United States."

In the same case, Mr. Justice Johnson, of South Carolina, in giving his separate opinion, used the following language. I read from 1st Peters' Reports, page 517:

"The right, therefore, of acquiring territory is altogether incidental to the treaty-making power, and perhaps to the power of admitting new States into the Union; and the government of such acquisitions is of course left to the legislative power of the Union, as far as that power is uncontrolled by treaty. By the latter we acquire, either positively or *sub modo*, and by the former dispose of acquisitions so made; and in case of such acquisitions, I see nothing in which the power acquired over the ceded territories can vary from the power acquired under the law of nations by any other government over acquired or ceded territory. The laws, rights, and institutions of the territory so acquired remain in full force until rightfully altered by the new government."

Here it is expressly affirmed, that *the laws, rights, and institutions of the country so acquired, remain in force until rightfully altered by the new government.*

But, sir, this principle has been *repeatedly* decided by the same tribunal. I have another case before me, in 12 Peters' Reports, page 410, in which the same doctrine is held, and a long list of cases cited in which it is also affirmed. This is the case of *Strother vs. Lucas*—and was an action of ejectment for two lots of ground in St. Louis, Missouri. And where it became necessary to review the laws that were in force there at the time of the acquisition of Louisiana, Judge Baldwin gave the opinion of the court, and used the following language:

"The State in which the premises are situated, was formerly a part of the territory, first of France, next of Spain, then of France, who ceded it to the United States by the treaty of 1803, in full propriety, sovereignty, and dominion, as she had acquired and held it, (2 Peters, 301, etc.,) by which this government put itself in place of the former sovereign, and became invested with all their rights, subject to their concomitant obligations to the inhabitants. (4 Peters, 512; 9 Peters, 736; 10 Peters, 330, 335, 726, 732, 736.) Both were regulated by the law of nations, according to which the rights of property are protected, even in the case of a conquered country, and held sacred and inviolable when it is ceded by treaty, with or without any stipulation to such effect; and the laws, whether in writing or evidenced by the usage and customs of the conquered or ceded

country, continue in force till altered by the new sovereign." (8 Wheaton, 589; 12 Wheaton, 528, 535; 6 Peters, 712; 7 Peters, 86, 87; 8 Peters, 444, 465; 9 Peters, 133, 736, 747, 748, 749; Cowper, 205; 2 Veasy, sr., 349; 10 Peters, 305, 330, 721, 732, etc.)

Here, again, is a clear and distinct recognition of the same principle with the declaration that the "*laws, whether in writing or evidenced by the usage and custom of the conquered or ceded country, continue in force till altered by the new sovereign,*" with a long list of authorities upon the same point, which I deem it useless to consume the time of the House by referring to, even if my brief hour would admit. Gentlemen can take them and read them at their leisure. But why need I say more upon this point? Is it not well known and perfectly notorious in this country that all the local and municipal laws which were in force in Florida and Louisiana, at the time of their acquisition, are still in force, except so far only as they have been altered since? Upon what other principle is it that the civil law prevails in Louisiana to this day?

And now, Mr. Speaker, if such be the decisions of our own Supreme Court upon this point, as I presume no gentleman upon this floor will venture to gainsay or deny, there is but one other question left, and that is, what was the law upon the subject of slavery in California or New Mexico at the time of their conquest? This is an important question. The whole merits of the case turn upon it. And upon this point I suppose there can be no doubt. Slavery was abolished, then, in 1829. I have before me the decree as it appears in Niles' Register, vol. 37, page 219.

MEXICO—TOTAL ABOLITION OF SLAVERY.

"The President of the Mexican United States to the inhabitants of the Republic, greeting:

"Desiring to signalize in the year 1829 the anniversary of our independence by an act of national justice and beneficence, that may turn to the advancement and support of so important a result; that may consolidate more and more public tranquility; that may co-operate to the aggrandizement of the republic, and return to an unfortunate portion of its inhabitants those rights which they hold from nature, and that the people protect by wise and equitable laws, in conformity with the 30th article of the constitutive act.

"Making use of the extraordinary faculties which have been granted by the Executive, I thus decree:

"1. Slavery is forever abolished in the republic.

"2. Consequently all those individuals who until this day looked upon themselves as slaves, are free.

"When the financial situation of the republic admits, the proprietors of slaves shall be indemnified, and the indemnification regulated by law.

"And in order that the present decree may have its full and entire execution, I order it to be printed, published, and circulated to all those whose obligation is to have it fulfilled.

"Given in the Federal Palace of Mexico, on the 15th of September, 1829.

"Signed,

"VICENTE GUERRERO,
"LAURENZO DE ZAVALA."

This decree provided that the owner of slaves manumitted should be indemnified when the financial situation of the country would allow it. And I have before me another act of the Mexican Congress of 1837 upon the same subject. This act I find in volume 8 of the Laws of Mexico, which embraces the acts of 1836 and 1837:

[Translation.]

An act abolishing slavery in the republic.

"ART. 1. Slavery, without any exception, is, and shall remain, abolished throughout the entire republic.

"ART. 2. The owners of slaves manumitted by this act, or by the decree of 15th September, 1829, shall be indemnified for the interest they held in them, which interest shall be estimated by duly considering the personal qualities of the slaves; to which end one appraiser shall be nominated by the commissary-general of the place, or by the person who supplies his place; another shall be nominated by the owner; and in case of discord in their opinions, a third shall be nominated by the constitutional alcalde of the vicinity, to which no objection shall be interposed. The decision of the appraisers, or a majority of them, shall be absolute and final. The indemnification of which this article makes mention shall not extend in any respect to those colonists of Texas who have taken an active part in the revolution of that department.

"ART. 3. The original proceedings in regard to the appraisement mentioned in the preceding article, shall be given gratis to the owner, by whom they will be presented to the supreme government, who will give orders to the treasury department to issue the corresponding scrip for the respective value of the property.

"ART. 4. The aforementioned scrip shall be paid or satisfied in that mode which may appear to the government the most equitable, conciliating as far as practicable the rights of the individuals with the actual situation of the public treasury." [April 5, 1837.]

From this I take it for granted that nobody will deny that slavery was abolished in California and New Mexico at the time of their conquest by our arms. If a slave at that time had brought an action for his freedom against his master before the courts of the country, does any man doubt but that the courts under the law then in force would have declared him to be free? And as our Court has decided that in all such cases the laws of the acquired territory in force at the time of the acquisition shall remain in force as *the law of the place* until altered by competent authority, can any man doubt that they would decide the question just as the Mexican courts would have decided it at that time?

It is with pain I have heard allusions made to the present composition of the Court—five Judges from the South, and four from the North; and that, therefore, the question would be safe for the South in their hands, as we had a majority of the bench. I consider such an argument a gross imputation upon the Court; and no greater disgrace could be attached to the members of it, or to the country, than a decision made from any such considerations. No judge, whether from the North or South, could ever

be influenced by such motives, until he became as corrupt and as debased as the execrable Impey—the infamous tool of Hastings. If I thought such motives could operate upon the Court, that would be the last body in the world I would refer the decision of any question to. They should not decide upon the life of my dog if I could prevent it. But while I am no advocate of referring any political question to the decision of that Court, I am nevertheless bound to believe that they would decide honestly to the best of their judgment. Such I believe have been the decisions to which I have alluded. And after reading those decisions, can any man doubt as to how they would decide the supposed case? I put the question to the good sense and calm judgment of the House.

Sir, it is useless to attempt to evade or get round this point. It is not for me, at this time, to say any thing about the correctness of these decisions. That is not the subject now before me or the House. It is my duty to know the law as the Court has decided it, and to let my constituents know it likewise; and not to jeopard their rights by any such reference of them.

[Here Mr. STANTON of Tennessee, asked Mr. STEPHENS if the constitution of the United States does not recognize slavery?]

Mr. STEPHENS continued. Yes, sir; the constitution recognizes slavery, but only when it is not prohibited by the laws of the State, or place, or for the purpose of protecting it there. The constitution recognizes slavery in Tennessee and Georgia, and in all the States where slavery exists by law; but it does not recognize it in New York or Ohio, or in any State where it is prohibited by the law of the State, except so far as it provides for the recapture of runaway slaves. The constitution recognizes and guaranties slavery wherever it exists by the local law, but it establishes it nowhere where it is prohibited by law. The constitution, as I have stated, expressly recognizes slavery, even when it is prohibited by the law of the place, but only so far as to provide for the recapture of a runaway slave. If my slave escapes, and gets into a free State, the constitution secures me the right of pursuing and retaking him; but if I voluntarily take my slave into a State where slavery by law is prohibited, I have no right to retake him; he becomes free. No man will question this. And if slavery is prohibited by the local law of the newly acquired territory, the only guarantee the constitution affords the slaveholder is the right of recapture if he escapes and gets into those territories. The constitution, I say, fully and amply recognizes slavery where it exists, but it establishes it nowhere where it is prohibited by law. It is important that the public mind at the South should not be misled upon this point. The constitution no more establishes or carries slavery into States or territories where by law it is prohibited, than it establishes or carries any other right of a citizen which depends upon the local law.

The constitution secures to all the citizens of all the States and

territories of this Union the rights to which they are entitled by the laws of the place. If Virginia, or Georgia, should abolish slavery, the constitution would no more re-establish it there, than it has re-established it in Pennsylvania, New York, and other States where it has been abolished. The constitution no more carries the local law of slavery of any State into a State or territory where by law it is prohibited, than it carries any other local law; no more than it carries the law of interest upon money, the statute of limitations, the laws of distribution, or the penal laws of a State. And, sir, if this compromise bill had passed, how could the master have been protected against the theft or purloining of his slaves? By what law would he have sued to recover him? By what law would the sale and evidences of title in slaves have been determined? Each of the slave States has its own laws upon this subject. And if the constitution carries the laws of the States into these territories, does it carry the laws of all or any particular one? And if any one, which is it?

Mr. Speaker, this is a question too clear to admit of argument.

Mr. STANTON again interrupted, and was understood to say, the gentleman then holds, that it is within the power of Congress to extend slavery into territory where by law it does not exist.

Mr. STEPHENS. My position, Mr. Speaker, is this: That slavery is an institution which depends solely upon the municipal laws of the place where it exists; and if it was prohibited by law in these territories at the time of the conquest, it cannot exist there until the laws of the place be altered by the competent law-making power for the territory. In regard to these territories and the rights of the South, I hold that, when the stipulations of the late treaty shall be complied with, and the money paid which is provided for in it, they will constitute an acquisition, made at the cost of the common blood and treasure of the whole Union, toward which the South contributed as generously as the North, and in which the South is entitled to a just and equal participation; and that it is the duty of Congress to see to it, that the just and equal rights of my section are guarded, protected, and secured by all necessary legislation. The right to acquire and to hold territory brings with it the duty to govern it. The Supreme Court has so decided, and in governing, it is the duty of Congress to act justly and fairly toward the rights and interests of all who are entitled to an equal share in the common domain. This, sir, is my position, and upon it I shall stand or fall.

The same position, I see, was taken by a meeting of the democratic party in the city of Macon, in my own State, not long since.

Amongst other resolutions, as I see in the papers, they declared—

“That our Senators and Representatives in Congress should see to it, that the rights of the Southern people should not be endangered during the period the territories shall remain under the control of the United States, either from the continuance of the municipal laws of Mexico, or from the legislation of the United States.”

I stand upon the principles of this resolution. It is the true ground, in my opinion, for southern men to occupy. I shall never give my sanction, while I have a seat upon this floor, to any legislation on the part of Congress by which the rights of the southern people to an equal and just participation in these territories, while they remain as territories, shall be endangered, nor shall these rights ever be endangered or surrendered, by my approval, by "a continuance of the municipal laws of Mexico." This Compromise bill, sir, did, in my opinion, endanger and surrender the then rights of the South, by a "continuance of the municipal laws of Mexico," which were of force at the time of the conquest, and by which slavery was abolished there. Sir, I set out by stating that I should not only challenge, but defy, a refutation of my position; and I now repeat the same. The rights of the South are not only endangered, but totally abandoned in this compromise. Its passage would have been worse for the South than the Wilmot proviso in express terms. For if the principles upon which its southern friends advocated it be true—that is, if *by the constitution*, the southern slaveholder has a right to carry and hold his slaves in these territories, notwithstanding the existing municipal law of Mexico, by which slavery is abolished there, then, of course, the same right would exist even if the Wilmot proviso were passed. And the proviso, if passed, being in contravention of *this constitutional right*, of course the Supreme Court would be bound to decide it null and void. So that the compromise secures no rights to the South which they would not have even under the Wilmot proviso itself. But, on the other hand, if the Supreme Court, should, under the Compromise bill, decide against the slaveholder, on the ground that the existing laws of Mexico, at the time of the conquest, were in force there until altered by some competent authority, then, sir, we should be bound by it *forever*; for we could not come and ask Congress to alter the law against the *compromise*, even although the court might say that Congress had the power either directly to alter it, or to allow the territorial legislature to do it; for we all understand that a *compromise* is a final settlement, and all parties are bound in honor to abide by it.

Then, sir, what are we of the South to gain by this compromise? Nothing but what we would have, even with the Wilmot proviso—the poor privilege of carrying our slaves into a country where the first thing to be encountered is the certain prospect of an expensive lawsuit which may cost more than any slave is worth; and, in my opinion, with the absolute certainty of ultimate defeat in the end, and with no law in the meantime to protect our rights and property in any way whatever! This, sir, is the substance of the compromise, even in the most favorable view it can be presented! And this is the *security* for the South which I had the *temerity to reject*! Would that the people of that section may ever have men upon this floor of such temerity! I did

reject it—and I shall continue to reject all such favors. If I can get no better compromise, I shall certainly never take any at all. As long as I have a seat here, I shall maintain the just and equal rights of my section upon this as well as upon all other questions. I ask nothing more, and I shall take nothing less. All I demand is common right and common justice; these I will have in clear and express terms, or I will have nothing. I speak to the North, irrespective of parties. I recognize no party association in affiliation upon this subject. If the two parties at the North combine, and make a sectional issue, and by their numerical strength vote down the South, and deny us those equal rights to which I think we are in justice entitled, it will be for the people of the South then to adopt such a course as they may deem proper. I do not stand here to make any threats in their name, nor have I authority to commit even my own constituents to any course of policy. They must do that for themselves. My commission here extends only to the maintenance of their rights upon all questions and measures that may come before me in this House. And this I shall do at all hazards. Nor shall I be awed or intimidated in the discharge of this high duty by any of the trembling alarms of the official organ, that the “Union is in danger;” that, unless agitation upon this subject is quieted, the “free soil movement” in the North will sweep every thing before it, and that the government itself will be endangered. Such appeals may have their effect upon the hearts of the timid. I am, myself, not quite so easily terrified into a surrender of my rights, and those of my constituents. This editor, however, or rather *his master*, would have exhibited much better judgment, and a great deal more patriotism, if he had shown a little more foresight upon this subject. If the country is environed by dangers and difficulties which threaten its ultimate safety, it is the result of his own reckless, lawless, and unconstitutional measures; if an ominous agitation is felt by all; if the government shakes to its centre; if the very pillars of the temple of liberty rock in their places, he best knows what incendiary hand—what Guy Fawkes, collected and fired the explosive elements. He may repeat until doomsday, “*we wash our skirts of all the consequences.*” But he will find his skirts too deeply stained to be so easily washed. This is but the frenzied ravings of the guilty Macbeth, who, when in his distempered vision he fancied he saw the ghastly spirit of the murdered Banquo, exclaimed—

“Shake not thy gory locks at me,
Thou canst not say I did it.”

But this government editor, nor the President *whom he serves*, need not suppose, that because he is trembling and quaking with fear at sights, spirits, or spectres dire, which the consciousness of his own misdeeds cause to haunt his disturbed brain, that, therefore, everybody else feels the same unsteadiness of nerve with

himself. I look upon this question now just as I did two years ago, when this war of conquest commenced. I raised my voice against it then. I saw what would be the result. I was prepared for the present storm with all its fury. And I am as unmoved now as I was then. I saw the northern Democrats supporting the policy of conquest for the purpose of acquiring free territory. I was opposed to the whole policy, because I considered it contrary to the spirit of our constitution to wage a war of conquest under any circumstances. But I was determined then, if territory should be acquired, that the rights of my section to an equal participation in it should be secured, so far as my ability could contribute to the accomplishment of that end. And I stand upon the same ground now; and I shall never surrender it so long as the question is open. And no alarms about the *Union*, or the ravings of brainless scribblers and heartless demagogues, who croak and prate upon subjects on which they are profoundly ignorant, shall ever cause me to shrink from the open and fearless maintenance of it—even though I may stand solitary and alone.

I have no objection to *compromising* the question, but I have only two plans of compromise: one is, a fair division of the territory by clear and distinct lines, by which every one may know exactly to what extent his rights will be protected. I care not much whether it be by an extension of the Missouri line, or whether it be by adopting as a line one of the mountain ranges, giving the South all on this side, and the North all on the other. I am, however, rather in favor of the latter; but shall insist upon some fair and just division. That is one plan of compromise I shall favor, and if I cannot get that, I have but one other to offer, and that is, to reject the territory altogether. Let us keep our money which is to be paid for it, and let Mexico keep her provinces and her people. Mr. Polk, in his message, speaks of the late treaty as the supreme law of the land. This I consider as an intimation that this House, in his opinion, will be *bound* to vote the appropriations to carry it into effect. If so, I barely intend here to say, that I wholly disagree with him. True, the treaty-making power is confided in this country to the President and Senate. But, sir, the President and Senate have no right or power to make a treaty which imposes an *obligation* on the part of the House of Representatives to carry it into effect. This principle I understand to have been fairly settled as the republican doctrine of 1796. I have the Journal of the House of that year before me, and I find, on page 499, the following resolution upon that point:

“1st. *Resolved*, That it being declared by the second section of the second article of the constitution, ‘that the President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur,’ the House of Representatives do not claim any agency in making treaties; but that when a treaty stipulates regulations on any of the subjects submitted by the con-

stitution to the power of Congress, it must depend for its execution, as to such stipulations, on a law or laws to be passed by Congress; and it is the constitutional right and duty of the House of Representatives, in all such cases, to deliberate on the expediency or in expediency of carrying such treaty into effect, and to determine and act thereon as, in their judgment, may be most conducive to the public good."

Upon the passage of this resolution, the yeas and nays were taken, and it was adopted by a vote of 54 to 37. Every Republican in the House, I think, voted for it. Amongst others, I see the distinguished names of James Madison, Albert Gallatin, Wm. B. Giles, Nathaniel Macon, Abram Baldwin, and many others. The same principle has been settled by the Supreme Court.

I have not time to enlarge upon this argument now. I only intend to state the principle, and show the authority, that the country may not be misled upon this point. The late treaty is not the supreme law of this land yet, and will not be until the laws necessary to give it effect are passed. Mr. Polk has not yet asked us to appropriate the money; and when he does, it will be (in the language of the resolution for which *James Madison*, and all the other old Republicans in the House of 1796, voted) our constitutional right and duty to deliberate on the expediency of making the appropriation. And I now state, that, if I am here when that appropriation is made, I shall exercise this constitutional right, and I shall never vote one dollar from the common treasure of this Union to pay for these territories, if the institutions of my section are to be wholly excluded from them. Nor will I vote one dollar to carry this treaty into effect until I have this matter settled, and what I consider the rights of the South secured. And I believe this is the great lever of the South upon this question. Let the bill organizing territorial governments be linked with the appropriation of the money, and let the South present an unbroken front against paying a dollar, if their institutions are to be excluded, and I shall have some hopes yet of obtaining justice.

Now, sir, you know something of the only plans upon which I intend to compromise this business. But, as I said before, if in all this I should be defeated—if the South will not stand with me upon this point—if the combined vote of the North carry the Wilmot proviso—then, sir, it will be for the *people* of the South to take their own course, such as they may deem their interest and honor demand. It is not for me to indicate that course. But one thing I will say, that I shall be with them in whatever course they may take. Their interests are my interests; their fortunes are my fortunes; their hopes are my hopes; and whatever destiny awaits them, awaits me also.

And now, Mr. Speaker, I think that I have conclusively shown that this miscalled Compromise bill ought not to have received support from any quarter, and particularly from the South.

As I have but a few moments left, I will recapitulate my positions, that no man may mistake or misunderstand them.

The first is, that, by the bill, the whole subject of slavery in California and New Mexico, without any legislation on the part of Congress or the territorial governments, one way or the other, is referred to the Judiciary to determine, whether it can legally exist there or not.

2d. That the Constitution of the United States fully recognizes, and amply protects, the institution of slavery where it exists by the laws of the State or place; but it does not establish it anywhere, where by the laws of the place it is prohibited.

3d. That California and New Mexico, being territories acquired by conquest, all the laws which were in force there at the time of the conquest not inconsistent with the Constitution of the United States, or the stipulation of the treaty of peace, or which were purely of a political character, are, according to well settled principles, and the adjudications of our own courts, still in force.

4th. That as slavery did not exist there at the time of the conquest, but had been prohibited by express law, the Supreme Court of the United States, to whom the matter was to be referred in the last resort, could not be expected, from the principles of numerous decisions already made, to decide otherwise than that slavery cannot be protected there until the existing law abolishing it be altered by competent authority.

5th, and lastly. That these positions being uncontrovertible, the bill offered, as it was, as *a compromise* and a final settlement of the question, amounted to nothing but a total abandonment and surrender of the rights of extending the institutions of the South to those territories.



ADDRESS BEFORE THE MARYLAND INSTITUTE IN BALTIMORE, IN COMMEMORATION OF THE BIRTH- DAY OF WASHINGTON.

ON THE EVENING OF THE 23D FEBRUARY, 1852.

RESPECTED AUDITORY—*Ladies and Gentlemen :*

I need not assure you that I feel very much embarrassed in rising to address you under the circumstances in which I appear before you. I had expected to be preceded by another gentleman, who would have presented the most prominent points for the evening's entertainment; but I find myself in the foreground instead of the shade of the picture. I am also admonished by the place of our assembling, a building dedicated to mechanical skill and art, that all who bring offerings for exhibition here should have them perfected by the exactest rules of correct taste and due proportion. What I have to say will be the crude thoughts which the time and occasion suggest. When I gave my reluctant

consent to be thus situated, I said to the friend who urged me to it, as no other person could be got to assume the task, "Well, prepared or unprepared, I'll speak. It shall not be said that the Birthday of Washington goes begging for an orator." You will please, then, bear with me. Besides your kind indulgence, I have but one support on which I rely, and that is, the consciousness that out of the abundance of the heart the mouth speaketh. The occasion presents a theme with which all our hearts should be full. It is our country, our whole country and nothing *but* our country! We have just heard read the farewell address of the father of this our country. This may justly be considered the last will and testament of our common parent to us his children. It bequeaths a rich legacy of wise lessons and precepts which deeply concern our future political welfare that should never be forgotten.

I propose, first, to say something of the author of these lessons, and then say something of the lessons themselves, and their bearing upon our present and coming interests.

In speaking of WASHINGTON, it is not my object to attempt a delineation of his character, or to pronounce a eulogy becoming his name and his memory. Well might I shrink from an undertaking which the ablest and the best men in his own day and ours have failed to succeed in. There are some things in nature that defy the power of the pencil; and WASHINGTON's is a character that no hand can portray. Its merits are to be appreciated only by the emotions it excites by actual contemplation; we must look at it, behold it, and study it to realize its grand proportions and gigantic structure. Some suppose and maintain that *circumstances make men*: that circumstances made WASHINGTON. Not so. Men make circumstances. It is true that events and accidents may occasionally give position and notoriety to even small men; and in the whirl of public affairs undeserving men may sometimes get attached to their names and memory what we call distinction and fame. Such indeed may well be styled the *creatures* of circumstances. But those great events that mark epochs in the history of nations and in the history of the world are the *works* of men, and they always bear upon them the impress of the master-spirit of the times. Great men make the subjects of history; little men only figure in them. All greatness is, of course, comparative; and with mind it is in some respects as it is with matter—a similar law obtains in the intellectual to that which we witness in the material or physical world. There is something in mind not unlike what is called gravity or gravitation in bodies. Each and every one within the sphere of its influence acts and is acted upon by all others. But the larger, denser, and greater always predominates in its power over the smaller and weaker. The lesser is subject to the influence of the greater. This is true of the heavenly bodies, as our school books teach us. A similar principle governs mind

and intellect. And tested by this principle, where does WASHINGTON stand? What was his influence over his associates, and who were his associates? They were FRANKLIN and JEFFERSON, and HANCOCK AND HAMILTON, and MADISON, SAMUEL ADAMS and JOHN ADAMS, JAY, LEE, and PATRICK HENRY, and many others who will live in history as peers amongst the greatest men, both as orators and statesmen, that this earth has ever given birth to. "There were giants in those days." Intellectual giants. No mistake about that. And these were the men on the stage with WASHINGTON when the greatest drama of the world came off—the American Revolution—and the establishment of the Constitution of the United States. I speak of those events as constituting the *greatest drama* of the world—because, though history may give us an account of more bloody battles and more tragical incidents, yet never had there been before, nor has there been since, any thing like a similar contest, in which the true principles of human liberty were not only involved but successful.

The success of our arms and the establishment of our independence was but a scene in that dramatic act. The great work was the establishment of the principle of self-government amongst men. That was no easy task. Every age has produced men who could win victories and overturn empires. But no age ever before or since has produced men who had the ability, the forecast, the integrity, the will, the patriotism, and the philosophical statesmanship to construct a form of government, or *political organism*, by which *rational liberty*—liberty *regulated* and *protected by law*—could be enjoyed equally by every citizen of the State. Such is American liberty. And in it is involved a problem that the law-givers of the world from the days of Moses to the meeting of the Philadelphia Convention were not able to solve. But by them it was solved—we live happily and prosperously under the success of the experiment. And who was first amongst these greatest of the world's great men? To whom were all eyes in every peril and in every danger turned? To whom did all look in the field as well as in the cabinet? It was WASHINGTON. Great as were Franklin, Jefferson, Madison, Jay, and Hamilton, and Adams, they all looked to Washington as the ruling spirit of the day. He was, if you please, the great central sun about and around which the others, as lesser orbs, revolved in their majestic spheres, each being himself the centre of another but a smaller system. When the struggle with the parent country first commenced, all looked to him to lead the armies to victory and triumph. When the articles of union needed revision, all looked to him to give directions to their councils. When the constitution was formed, all looked to him as the man to put the system in operation. View him when you will or where you will—in the parlor or in the public councils, in the army or in the convention, as general or as President, in adverse or propitious fortunes—and you will see him at all times "first in peace, first

in war, and first in the hearts of his countrymen!" Tell me not that such a man owes his greatness to circumstances. He bore *nature's* stamp of true nobility of soul. He had the genius not only to throw off a government which was then the best the world had, but to reconstruct and establish another and a better in its stead.

There are many points in this great man's character that it might be agreeable to dwell on. It is often no less pleasant than profitable to philosophize on character. With this view biographies are entertaining and instructive. Character is motive exemplified by action; and its study is the best key to those secret causes which often determine the fate of nations. In Washington's character there is nothing more striking than the entire absence of selfishness—that nutriment on which unholy ambition feeds. His action was prompted by a sense of duty, and from no desire of what is commonly called glory. Office with him was a high trust which he never sought and which he never held either ~~for its honors or emoluments~~. He never flattered either the king when he was a subject, nor the people when he was chosen to be their ruler. And no man could ever say that he was deceived by him. Truth, fidelity, temperance, frugality, sobriety, fortitude, courage, patience, forbearance, with undeviating integrity and honesty—that honesty which you have just heard read as an injunction in his farewell address as the best policy in all things—shine as bright virtues in his character. What lessons might be taken from a study of his life and acts by many of those in our day who aspire to statesmanship by no nobler deeds than tricks and intrigues; by scheming, contriving, colluding, cheating, misrepresenting, and even by

“Bending the pregnant hinges of the knee,
Where thrift may follow fawning.”

You see in him none of the wily arts of the demagogue or *crafty politician*. In all things he was open, frank, bold, and right. There was about him a perfect simplicity of character as well as grandeur. Some men we read of, we contemplate with emotions similar to those we experience in beholding a beautiful landscape—such are Fenelon, Addison, or Sir Walter Scott. Others have those traits which awaken feelings akin to the terrible—such are Genghis Kahn, Tamerlane, and Buonaparté. But in Washington we have an approximation to the highest order of the moral sublime. What virtue was wanting in him, or what vice was ever laid to his charge? Some venture criticism from the fact that he availed himself of the assistance of others in the preparation of some of his State papers. This only shows his juster claims to true greatness. Wise men will always avail themselves of all the aids they can procure to carry out and perfect their high designs. Sir Christopher Wren did none of the manual labor in the erection of that magnificent creation of genius which will render

his name as enduring as the dome of St. Paul's. He was the designer, the architect, the constructor. So with Washington. He planned, he superintended the structure. The aids contributed to him by others were no more to the grand result his genius gave by the proper application, than the *quarrying* the stone and dressing the marble were to the designer and real constructor of that towering monument to his memory of which your city may justly be proud. He had command of the intellect of that age. And he brought proper materials, from whatever quarter he found them, to aid in rearing and finishing the majestic temple of American liberty which is now the wonder and admiration of mankind. He was the master builder, and in him was

"A combination and a form indeed,
Where every god did seem to set a seal
To give the world assurance of a man."

It is said that perfection is not the lot of human nature. It is also said that the sun has spots on it. If there be any defect or blemish in the character of him whose birthday we now celebrate, they must be like those spots on the sun—they can't be seen, at least, with the naked eye. No one has ever yet seen them in his case, even with a telescope. No, I am too fast! It has lately been discovered by one from abroad, whose advent amongst us has been hailed by certain latter-day saints in politics as a second Messiah, that he was slightly touched with a certain species of *obliquity* in his political vision; that he did not see straight; that he was in great error, at least in some of those precepts which we have heard to-night.

This brings me to that part of my subject. I was first to speak of the counsellor, and then of his counsels. The heed we give to advice should depend somewhat upon the worth and estimation we have for him who gives it. The teachings we have heard to-night, then, should certainly be respected in consideration of the source from which they come. They relate mainly, so far as I shall allude to them, to two subjects.

The first is the relation which the people of the States bear toward each other in the compact of union.

The second is the relation which we as a people bear towards other nations.

Both these subjects are of vast importance to the peace, quiet, and prosperity of the people of the United States, and on both did Washington dwell in his last words to his countrymen, with the earnestness of a departing father in his dying injunctions upon the children of his love and his hope. The first of these objects with him was the union of the States. For he saw that without union we should soon be without liberty. He had not read history in vain. He saw that if once the States were divided, border jealousies and dissensions would soon spring up; that wars the most implacable would follow; and that our career, so

nobly begun, would be cut short, and end ultimately in despotism. Hence he has invoked us to look to the Union as the "*paladium* of our political safety and prosperity," and to frown down the "first dawning of every attempt to alienate any portion of the people of one section of our country from the rest, or to enfeeble the sacred ties which now link together the various parts." I am here to-night to advocate the Union upon these principles. What has it not already done for us? What rapid and unprecedented advancement have we made under its influence in commerce, in art, in science, and in every thing that elevates, ennobles, and dignifies man! What would have been our condition without it? Impoverished, discordant, and beligerent petty sovereignties, without power at home and without respect abroad!

We cannot, therefore, be too ardent in our attachment to the Union, when we consider its objects, and what it is capable of effecting, so long as those objects are kept in view. But allow me, fellow-citizens—and I have the privilege as well as the pleasure of thus addressing you under the provisions of this Union—to say that upon the subject of the Union and its preservation we must not let our *zeal* take the place of *knowledge*. The Union, with the constitution as its basis, is a complicated and delicately constructed system of government. It is a political organization, and it is with it, as it is with all other organizations, or *organisms*, there are certain general principles that must be looked to when we consider what will probably disturb its operations. Its best friends, then, will be those who most carefully study those general principles, which may be denominated the laws regulating its existence. To understand how to preserve it requires a thorough knowledge of its nature; its organic structure, as well as the relations and functions of all its parts. Life in my body is an emanation from the animal organism of the various parts of my physical frame. To preserve this life I must observe the general laws or principles that regulate it.

The Union is founded upon the constitution—this is the life, the spirit, and soul of our body politic. To preserve it there are certain general principles to be observed. One of the first of them is a constant attention to the objects for which it was formed. The life and spirit of the Union spring from the objects for which it was formed. To preserve its life and spirit, the bare name without the substance, must always be held subordinate to the original or vital principle.

When the soul has departed the dead body may remain for a while, but the energies and functions of the living man will be gone to return no more. So with our government. Nothing is more *essential* to its existence and preservation than that harmony and domestic tranquility in all its parts which were amongst the prominent objects of its creation. Every attempt, therefore,

to alienate the affections of the people from their government, as well as every attempt to invoke the action of their government on such objects as will have this tendency, should be *indignantly frowned down* by every true lover of his country, wherever his lot may be cast. This is *patriotism*. I am not one of those who believe that patriotism is indigenous to any particular locality in our country more than another. It is a plant of as spontaneous and luxuriant a growth upon the green mountains of Vermont and the granite hills of New Hampshire and Massachusetts, as it is upon the broad savannahs of the South or the rich prairies of the West. Bad and reckless men may be found in all sections. But we have never yet passed a crisis (and we have had many in our history) when there was not patriotism enough in all parts, when thoroughly aroused, to rescue us from difficulty. From this fact alone the friends of the Union upon the principles of the constitution, here to-night, have abundant reason to indulge a confident hope for the future. But I must pass on.

The other point I promised to allude to is the subject of our foreign relations. This is becoming a matter of grave and momentous importance for the consideration of the American people. It was a matter that the *far-seeing* eye of Washington did not overlook. Hence his emphatic and solemn warning which you have just heard "*against the insidious wiles of foreign influence, (I conjure you to believe me, fellow-citizens,) the jealousy of a free people ought to be constantly awake.*" This was the language of the patriot and sage in his last words to his countrymen. The hand that penned it has long since returned to its mother dust; but the same voice still comes from his tomb at Mount Vernon, and here this night, I invoke you, for his sake, if not for your own, to hearken to that voice. Again he says: "*The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible.*" From that day to this—for more than half a century—we have followed that advice. Our motto from that time to this, in the language of Mr. Jefferson, has been "*Friendship with all nations—entangling alliances with none.*" And I am proud to say that no American—no son of Washington, not even the most degenerate—was the *first* to advocate a change of this policy. It was reserved for the son of another and a distant clime—a man, too, who had abandoned his own country in the hour of her peril, to come here to teach us how to make ours great, prosperous, and powerful. For the honor of Americans, I say, be it spoken, that this first attempt to arraign the wisdom of Washington on this question of our foreign policy was made by a foreigner. Would that I could say that no American had yielded to "*the insidious wiles of his influence.*" But the virus has taken effect; it is spreading through the land; and we now hear it openly proclaimed in many places, that it is time for us to assume our position amongst the nations of the

earth; that it is time we had a foreign policy. What does this language mean? Is it intended by those who use it to convey the idea that we have gone on for upward of sixty years in a career of prosperity never before equalled, without any foreign policy? Was not the *rule* laid down by Washington, and acted on by every President from his day to this, a *policy*? It was a policy. It was and is the *policy* of attending to our own business, and letting other nations alone. It was and is the policy, the time-honored policy, of non-intervention. It may not be a *foreign* policy, but it is a *Washington* policy; by an observance of which we have come to be what we are—one of the first nations of the earth. Are we to be told that it is *now* time for us to assume a place amongst the powers of the world? Did not our forefathers do that when they compelled Great Britain, in 1783, to acknowledge our sovereignty and independence? Had we no position amongst the great nations when France sought our alliance in 1795 and '96, which overture was rejected? Had we no position in 1812, when we again met in combat our old enemy, and the most formidable foe then in the world? Had we no position when British fleets were driven from our seas, and her invading armies were cut down and beaten back from our shores? Were the heroic deeds of our naval officers, to whose memory a marble monument has been erected on the capital grounds, performed before we had sufficient power to be felt? Was the gallant and daring defence of your own city, which you have put in monumental remembrance on your own public square, all done without a *foreign policy*, and before we were enabled to take a place amongst the nations of the earth? Be not deceived my fellow-countrymen, we have had a policy from the beginning. It is a good policy; it has worked well. Let us adhere to it.

And, above all, lend no listening ear to those who come from other countries to teach you the principles of republicanism. Yield not to the tempter. The father of your country forbids. It was in an evil hour that our great first parents touched the forbidden fruit. They were happy in their paradise; their wily enemy came from other regions. Imagine for a moment the scene, when the guardian angel of that innocent and noble pair took his last departure from them; when he was called away from his charge of watching over and protecting them. Hear the last whispers of his voice, *beware of foreign influence*. It was thus that Washington, our deliverer, defender, and guardian spirit, spoke to us on taking his last parting leave. Had they heeded the warning given to them, they had not fallen. May we as a nation never fall as they did!

—The right, fellow-citizens, to interfere in circumstances that might happen, I do not mean to discuss. I grant that we have all the attributes and powers of a full-grown nation, so far as our foreign relations are concerned. But the right to do a thing and the policy or propriety of doing it are quite different questions.

Any man can get into a fight when he pleases. And so can we. Intervention to prevent intervention is very much like getting into a fight to prevent a fight. Intermeddlers with other people's business generally come off worsted. Be not misled by appeals to your sympathy. It is for no want of the profoundest sympathy for the misgoverned tribes of the race of man in all parts of the world that I speak as I do. It was for no want of sympathy for them that Washington spoke as he did. I wish that all nations had as good a government as we have. But we should not peril our own life in hopeless efforts to rescue that of others. Let us not, in a fit of misguided zeal for the liberties of mankind, lose our own. All men are not suited for constitutional free government. One of the most common of the popular errors of the day is that any people having the *wish* to be free also have the *ability* to be free. This is a great mistake. Constitutional liberty, or liberty regulated by law—the only liberty that is worth the name—is not so easily acquired. If it were, we would not to-day be the only people on earth in its enjoyment. It is true, the people of almost any nation, with a firm resolution, can overthrow the strongest of despotisms, but they can not build up a republic in its stead. This requires more than physical force. It requires virtue, intelligence, morality, patriotism, and statesmanship. Brutus and a few associates found no difficulty in removing Cæsar from an imperial throne. But they did not thereby restore lost freedom to Rome. France found but little difficulty in bringing Louis the XVI. to the block; but France did not thereby establish a republic. She found even less difficulty in driving Charles the X. from the kingdom he had so badly governed; but she did not thereby succeed in establishing a good government for the people. Louis Philippe had in like manner in a short time to be carried to her Tarpeian Rock. It is now just four years since she made her last effort at republicanism. And what do we now behold? Louis Napoleon—a President King!

And so it will be, I fear, with all the nations of Europe, until there be a change in the minds, habits, education, and modes of thinking on the part of their people. Liberty, in their estimation, is licentiousness, lawlessness. They do not understand or appreciate its first principles. Men, to be capable of maintaining law and order in a free government, must be schooled in the elementary principles.

Suppose the autocrat of Russia four years ago had taken sides with the exiled Louis Philippe, and we had *intervened* to prevent his *intervention*. What would have been our condition to-day? After the expenditure of millions in money, and the loss perhaps of hundreds of thousands of our bravest sons in foreign wars, we should have found the people of France shouting huzzas to the emperor in the person of the "nephew of his uncle." All such crusades are idle. And if to-day we should go and surround "poor down-trodden Hungary" with a wall so high and so deep

that a Russian could neither scale it nor undermine it, and leave the people of that ill-fated country to perfect "*fair play*" amongst themselves, I should expect nothing with more certainty than that, in quite as short a time as France has been trying the experiment, we should have her fickle and restless population crying out for the restoration of the House of Hapsburg! Why then, again, I ask in the language of Washington, "*Why quit our own to stand on foreign ground? Why be interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice?*"

Here, perhaps, I should stop. But there are some reflections growing out of these topics which, it seems to me, may be appropriately connected with them. It is now just one hundred and twenty years since Washington was born. What was the condition of our country then? What is it now? And what is it to be one hundred and twenty years hence, if we continue to follow that line of policy which has marked our past career? Baltimore then was hardly a hamlet; now her population is over one hundred and seventy thousand, and the canvas of her commerce whitens every sea on the face of the globe, while her productive industry turns out an annual yield of *twenty millions of dollars!* What is true of Baltimore in improvement and advancement is true of almost every other part of our common country—not in extent, but in a relative degree. In 1732, the population of the colonies which afterward became the United States, was less, perhaps, than two millions. The population of the United States now is over twenty-three millions. Then an unbroken wilderness extended from a border near us to the distant Pacific. The great valley of the Mississippi was reposing under the shade of her primeval forests, in which the silence of centuries remained unbroken by the voice of civilization. Now behold her teeming population, her cultivated plains, her villages, towns, and cities, springing up as if by magic, and her majestic rivers alive with her accumulating commerce. See the hundreds and thousands of emigrants annually quitting the despotisms of the old world, and taking shelter and protection in this our favored land! To these we give a hearty welcome. We offer a safe retreat for the exile, and a peaceful quiet home for the emigrant, but no theatre for foreign propagandists.

But these are not all the subjects suitable for our contemplation on this occasion. What advancement have we made since this government was formed, in letters, in mechanic arts, in discoveries, in inventions, and in science? Consider the number and character of our schools of learning, our academies, colleges, and universities; colleges for the education of women as well as men. See what steam has done under the power and control of American genius, fostered by the influence of our free, wise, and beneficent institutions. Behold the mysterious workings of the tele-

graph. It was Franklin's honor to "weave his garland of the lightning's wing," and "with the thunder talk as friend to friend." But it has been Morse's glory, in our own day, to seize the spirit of the lightning itself, and to make it the swift messenger of our thoughts. What has caused this mighty change? Need I tell you it is the spirit of our institutions? It is that government which makes us not only one people, but a people with whatever diversity of interests or pursuits having all alike security at home and abroad. That government which heretofore has looked to our own safety, welfare, peace, quiet, prosperity, and domestic tranquillity, without meddling with the affairs of others, further than to give them the influence of a noble example. Shall this state of things continue? Shall we go on in the bright career we have commenced? Have we a national immortality before us? Or is the sun of our glory soon to go down in darkness to rise no more? These are questions which will spring up in the anxious mind; but to them no answer can be given. They involve the subtle problems of human destiny. Providence has wisely veiled the future from our vision. All we have to do is with the present. Let us take care that that is done rightly, and we need not fear for what shall come after.

But bear with me when I assure you that I have an abiding, a living hope that there are richer treasures of national greatness in store for us than we have yet attained. You may call it superstition, or call it what you please; but I believe there is a superintending Providence that controls the destinies of nations as well as the fortunes of men. When we look at this country, and consider the circumstances under which its settlement by our ancestors was first made, and trace its history from Plymouth and Jamestown to the present day, have we not many evidences to impress our minds with the belief that we are a peculiar and a favorite people, and that we have some high mission yet to perform? See the perils we have passed; see the hand of deliverance when hope has been sinking in despair! How often, in the war of the revolution, in the formation of the constitution, and its adoption by the States, did our fortunes seem to be trembling in an uncertain balance? How often since then have we passed safely through crises of danger, when the stoutest of patriot hearts beat with apprehension that all might be lost?

Some who now hear me, doubtless recollect how it was in the darkest hour in the war of 1812; when the Capitol was smouldering in ruins; when the Hartford Convention was in session; when secession and disruption were threatened; when the future assumed its blackest robes, and men's spirits sunk within them! It was then that the victory of New Orleans was hailed as the voice of a friendly messenger from some distant world. The great battle had been fought, the victory was won, the war was ended. Peace soon reigned again in the land, and with it came the smiles of fraternal feeling and brotherly love between all parts

of the Union. Again, we had the Missouri agitation, which seemed at one time to be the rock on which we should split. Yet the spirit of compromise prevailed. After that came the nullification crisis. At one time a collision of arms seemed to be inevitable; force was preparing against force. Had one gun been fired, who can tell what we should now have been? But in the very last moment the spirit of compromise, the presiding genius of this favorite republic, ruled the hour, and all was safe.

Then, last of all, came the late fearful agitation of the slavery question, the lively recollections of which are so fresh upon the memories of us all. Perhaps at no period in our past history was the danger of disunion ever more imminent and threatening than it was then. Yet dark and terrible as was the night, it was not without a dawn—a return of light, and with it hope! The spirit of compromise again hovered over the country, and with it came deliverance! Now, in all this is not the hand of Providence visible? If like contests and conflicts of interests had existed amongst the people of any other nation in the world, would not the sword have been drawn long since? Let us then take new hope for the future. Let the true friends of the country, the friends of the constitution and the principles of the constitution, the friends of the Union upon the principles and for the objects of the Union, never despair. We have a great duty to perform—a grand and high mission to fulfill. We have but begun in our rising ascent. Our forefathers and our fathers did much. But they got only slight glimpses of what we see around us. Our realization of the fruits of their labors are already far above their most sanguine anticipations:

“While, from the bounded level of *‘their’* mind,
Short views *‘they took,’* nor *‘saw’* the lengths behind:
‘We,’ more advanced, behold with strange surprise,
New distant scenes of endless *‘progress’* rise.
So pleased at first, the towering Alps we try—
Mount o’er the vales and seem to skim the sky.
The increasing prospect *‘starts’* our wandering eyes;
Hills peep o’er hills and Alps on Alps arise!”

Who can tell what wonderful discoveries and developements are yet to be attained by the present generation, or those who shall succeed them?

These are reflections pleasant to indulge in on an occasion similar to the present. They address themselves alike to the old and young—the fathers and the sons, as well as the mothers and daughters of the land. And it is a source of great pleasure to me to see so many of my fair countrywomen out to honor with their presence the ceremonies of this celebration. No class in society have a greater interest in perpetuating the institutions of this country than they have. For here alone woman is truly elevated to that high position for which she was intended, and which she fills with so much dignity, influence, and power. You

have, my fair countrywomen, a bright example set before you in the character of the mother of him who is the subject of this evening's reminiscences. May you imitate her virtues, and may your "last end be like hers." Let us all then, old and young, fathers and mothers, sons and daughters, take for our motto: "Our country, our whole country, and nothing but our country;" may her progress be onward and upward.

ADDRESS BEFORE THE FEW AND PHI GAMMA
SOCIETIES OF EMORY COLLEGE, OXFORD, GA.

"Nil tam difficile, quod non Solertia vincat."

JULY 21, 1852.

RESPECTED AUDITORY—*Ladies and Gentlemen:*

In the order of these exercises, the closing part has been assigned to me. And it is not without some hesitation and reluctance I enter upon its performance. The field to me is comparatively a new one. Such audiences as I am accustomed to address, are of a character quite different from that of the one now before me. And those subjects and topics with which I am most familiar, are unsuited to this time and place. If, therefore, I had been governed by the precepts of a classic maxim, which the circumstances that surround me very forcibly suggest, perhaps I should not have been so presumptuous and disregarding of its prudent admonitions as to have yielded my assent to appear before you at all on the present occasion.

—But where duty calls, obedience is an obligation. These pleasant grounds and academic groves, it is true, present no forum for public debate—no tribunal for the adjudication of disputed rights, and no rostrum for the discussion of mooted questions of public policy. They enclose, however, a consecrated nursery of mind. Here intellectual scions are nurtured and fostered until they attain sufficient growth and vigor to be transplanted into other places in the world of society without, not only for ornament, but usefulness. Here, too, is erected an altar dedicated to learning, to letters, and to the general promotion of knowledge. And upon such an altar, it may well be considered the duty of every one to contribute his offering, when required, according to his ability, even though it be but a "mite." It is under the influence of such considerations you see me here. And it is, doubtless, under the influence of feelings of a somewhat like character, that this large and imposing assembly have come up from different and distant quarters of the country on this returning commencement, to manifest the interest they feel in the objects for which this institution was founded, as well as to par-

take of the pleasure which its increasing success is calculated to impart. Here we see persons of all conditions and ranks in life; persons of all classes and pursuits—the statesman, the divine, the journalist, the physician, the lawyer, the teacher, the merchant, the mechanic, the planter, and the farmer, the high and the low, the learned and the unlearned, the gay and the grave, the old and the young, fathers and sons, mothers and daughters, all congregated together, and all filled with a common object! That object is the noble cause of education, mental improvement, advancement, refinement and progress! How interesting and gratifying it is to behold such a spectacle! How impressive the fact is, as a distinguishing characteristic of our people!

All nations and states, as well as individuals, have their peculiar characteristics. Those unmistakable marks of tastes, habits, and inclinations, which not only assign them their true position amongst their cotemporaries, but which are the unerring *indicia* of the tendency of their course in the untried and uncertain future which lies before them. In all countries and in all ages, the people have had, as they always will have, such public displays and demonstrations as never fail to manifest these distinctive qualities. In ancient Greece they had their gymnasia, and Olympic games. In Rome they had their saturnalia and gladiatorial shows. In Spain, to this day, they have their bull fights, and their carnivals. While, with the wild Indians of this continent, the green-corn dance and the ball play, are as old as their legends.

But with us, (I speak now of Georgia,) the great gala day in country, village, and town—the day when all business is suspended, and the whole people turn out to catch and enjoy the prevailing spirit of the occasion—is the day of the school exhibition and the college commencement. We see this at all our academies, seminaries, and universities, both male and female, for which the State is so much distinguished. It is such a turn out that we witness here to-day. And who that rightly reads the signs of the times does not see in these manifestations, the germ of increasing power and greatness? Lord Bacon said, “knowledge is power.” And Solomon said, long before Bacon, “A wise man is strong.” What is true of one man in this particular, is true of communities and States. The seat of empire over men as well as nature, never fails in the end to follow the seat of intellectual power.

This display then, and the intellectual feast which has been so profusely spread out for the common enjoyment of all during the continuance of these ceremonies have much in them to cheer and encourage, not only the faculty, founders, and patrons of Emory College, but all who feel an interest in the position which our State is destined to occupy amongst her sisters, in that confederacy of States, which now stands first amongst the powers of the world!

But after so much has been said, and so appropriately, elegantly, and eloquently said, not only by my seniors who have just addressed you, (Dr. George F. Pierce, the President, and Hon. George R. Gilmer,) but even by my juvenile competitors, wherewithal shall I, at the close of these scenes, essay to entertain an audience so assembled, and animated with such feelings and objects.

"A word fitly spoken," we are told "is like apples of gold in pictures of silver." What important results often depend even upon a word? And what greater results still oftener depend upon the time and manner of the utterance of that word? What word, then, can be "*fitly* spoken" at this time during the few moments I shall trespass upon your patience.

It has occurred to me that perhaps I could do no greater service to those young gentlemen at whose call I appear before you, than to address some views, particularly to them, upon a matter, which, of all others of an earthly nature, must be of the deepest interest and concernment to them. I mean the subject of their future success in life.

It is not my purpose to say any thing that may be considered as trenching in any degree upon what was so well and "*fitly*" said by the reverend and distinguished head of the faculty, in his parting admonitions to the graduating class. My object is to present some thoughts outside of that sphere of topics to which he alluded.

The most difficult and perplexing problem ever submitted to the youthful aspirant is the problem of life. The great question how he shall succeed! This is the subject which most of all gives him anxious thoughts by day and by night. All seem to be duly impressed with the consciousness of the fact that they have a part to perform in the interesting and complicated drama of the world, upon whose stage they are about to enter; and all seem to be sufficiently possessed of those laudable impulses of our nature which inspire them with an earnest desire to perform that part well. But the anxious inquiry with every one is as to the means. What are the requisites? How shall, and how can, the object desired be accomplished?

I propose, young gentlemen of the two societies, with your kind indulgence, to point out some of those qualities or elements of character which may be deemed as essential requisites for success in whatever profession, pursuit, or business, life's destiny may be cast; those elements which every one should duly consider, who looks to worthy deeds and honorable achievements as the foundation of that name and reputation which he would leave after him. It is only to those whose aspirations for distinction rest upon this basis, that these remarks are intended.

And to the consideration of such, the first of these requisites which I submit, is self-knowledge. It has been said, and said with truth to a considerable degree, that "every man is the ar-

chitect of his own fortunes." As it is essential for a builder to be thoroughly acquainted with the tools and implements which he is to use in the erection of any structure, so is it essential for a man, who would build to himself a name, to be thoroughly acquainted with the instruments which he has to use in his projected work. These instruments are his natural powers and capacities; his talents and tastes; his passions and prejudices; his abilities, mental and physical. And the only means, by which he can become acquainted with them, is a perfect knowledge and understanding of himself. That a knowledge of others is important, is generally conceded. Hence the common remark that such an one "will make his way through the world because he understands men," or that such an one "will never succeed because he knows nothing of human nature." Such remarks are founded on experience and justified by observation. They are not always made, however, with the consciousness or reflection that the surest means of knowing others is to know oneself. The best way for any one to become acquainted with human nature is to become acquainted with the workings of his own mind. [He that understands himself well, will not fail to understand mankind. The door that opens the way to a knowledge of human nature, stands at every one's own breast; let him who would enter "knock and it shall be opened unto him."] But this knowledge of which I speak embraces a great deal more. It unfolds to him who makes its acquisition his study, the secret springs of his own action. It discloses those motives by which the conduct is governed, and by which the character is formed and moulded. It makes known to one his errors, weaknesses, and frailties; all of which a wise man will endeavor fully to comprehend and understand. He that would be "timely wise" rather than "wise in time," should make it his business to know his own imperfections before they be discovered by others. He should be as fully conscious of what he cannot perform as what he can. And he should be as fully aware of his defects as of his excellences; of his demerits as of his merits.

There is nothing from which the mind so generally shrinks as from this sort of examination. I therefore urge it as a matter of primary importance. Men are often so blinded to their own errors and defects, that they become offended with those who are so adventurous as even to intimate their existence. Of all frailties, this is the most common and the most lamentable. For all men have their errors in judgment and in action. And how can these errors be corrected without their being known? The object of every man should be at all times and under all circumstances to "see himself as others see him;" and to know from his knowledge of his own mental and moral constitution, what would be his views, feelings, and inclinations, under an entire change of condition and situation from that in which he may happen to be placed. How few ever attain this knowledge! A striking

illustration of the want of it, we have in the character of one who figures in sacred history.

When Elisha the prophet approached Damascus, Benhadad, the King of Syria, sent Hazael as a messenger to meet him, and to inquire whether he should recover from a disease with which he was afflicted; the inquiry was answered, "and the man of God wept!"

Whereupon Hazael said, "Why weepeth my Lord?" Elisha knowing that this man in the change of fortune which awaited him would, after the death of Benhadad, be King of Syria, replied, because he knew the evil that he would do the people of Israel; their strongholds he would set on fire; their young men he would slay with the sword, and that he would spare neither helpless mothers nor infant children. Hazael swelling with indignation at such an imputation said, "But what? Is thy servant a dog that he should do this great thing?"

Hazael was ignorant of his own nature! All these things which he then considered as so enormous and monstrous that no man, who was not as mean in his estimation as a *vile dog*, would do, he afterward did! And how many thousands of people are to be met with who are just as ignorant of themselves as Hazael was of himself? What changes do we not often see in the conduct of men with a change in their condition, position, fortune, or prospects? How few can *bear* success? How many sustain themselves gallantly under adversity, but make shipwreck with the first gales of prosperity? Young gentlemen, the cause of this is attributable in part to the want of that knowledge to which I refer. "Know thyself" is a maxim which has been handed down from the schools of Grecian philosophy. It is time-honored. Let it be fixed in your memory, and never forget that it is essential for every man to be thoroughly acquainted with his own mind and the principles by which it is governed, who would direct that mind to the achievement of great ends.

Next to self-knowledge is self-government. The first of these is necessary to the second. By the first a man becomes acquainted with the elements or powers with which he is naturally endowed, and by the second he is enabled to control those powers most efficiently toward the accomplishment of any purpose he may desire.

The utility of self-knowledge consists, mainly, in furnishing that information which enables its possessor to suppress his passions, to curb his propensities, to control his prejudices, to correct his errors, to guard his weak points, and to cultivate and improve his virtues. To do these things is the office of self-government.

It is this thorough discipline or mastery of a man over himself and his faculties, whether great or small, that enables him to marshal all his resources and to put forth all his energies to the greatest advantage on every occasion. This is no small matter. But its importance in all the vocations of life can never be over-

estimated. It implies system, method, arrangement, and preparation in all things. It is to a man, with the instruments of action subject to his control, what military discipline is to a general with veteran troops under his command.

A few trained bands, will put to route whole armies of undisciplined and ungoverned raw recruits. And in the conflicts and struggles of life, the well prepared, self-poised man, with all his forces properly arrayed and promptly obedient to his call, will often vanquish and utterly demolish a negligent and unguarded rival of vastly superior natural powers.

This one idea of self-government, or thorough mental discipline, is suggestive of thoughts enough to occupy more of your time than I have allotted for all I intend to say. Without it genius can effect nothing. Without it the powers of the greatest intellects can never be brought to act efficiently for the accomplishment of any great or useful purpose. We may look upon such minds, and some such are to be met with, as we contemplate great uncontrolled powers of nature. What a mighty waste of water we behold at Niagara? There we see power sufficient, under proper control and direction, to turn the machinery of the world; but, without it, calculated only to excite our amazement and wonder. So with the greatest geniuses; without control, discipline, and self-government, their powers may dazzle, may excite admiration and astonishment, but that is all. They seldom effect any thing really good or useful.

Another of those requisites, deemed essential to honorable success, is integrity of principle. This implies uprightness in all things, in thought as well as in action. This is the granite formation, on which true greatness rests. This is the primitive rock that lies beneath the upper strata of character. And in the man of true worth and real merit, it will never fail to show itself when he is thoroughly probed, wherever his lot may be cast, whether in the lowest valleys or on the highest mountains of this world's places of humility or distinction. Character to be enduring should be based upon truth, justice, and honesty. By these principles the man of integrity is governed in all his dealings and intercourse with men. There is with him no duplicity, no equivocation, and none of those crafty wiles which mark the cunning, the deceitful, and the disingenuous. He is open, frank, and candid in all matters. In his estimation the standard of virtue is the standard of honor, and every thing that does not square by this rule is not only low and mean, but corrupt and contaminating. He would rather fall in the maintenance of the right, than enjoy an ill-gotten success in the wrong. For there is a divinity within which tells him that:

"Truth crushed to earth will rise again;
Th' eternal years of God are hers!
But error wounded, writhes with pain,
And dies amidst her worshippers!"

Times may change but he does not change with them. He is the same in prosperity and adversity. The severest tests only prove the unswerving steadiness with which he pursues his purpose. Such a man can never be seduced by flattery or awed by power.

Many instances in illustration of this principle and element in character might be given. Two that occur to me, and which are familiar, perhaps, to many who hear me, may not be inappropriate. One is the memorable reply of Lord Coke to James I., King of England. This monarch commenced that series of usurpations which rendered his House so ingloriously distinguished, by attempting to control the decision of the judges in a matter pertaining to his prerogative, by extorting a promise, in advance, that their decision should be as he desired it. For this purpose they were brought before the king in person. Upon the direct question whether they would so decide, all the judges except Coke, yielding to the weakness of human nature, in the presence of that sovereignty from whom they held their places, answered readily in the affirmative. When the question was put to him, he replied: "*When the case happens, I shall do that which it shall be fit for a judge to do!*"

All his associates, and even the king, were abashed and humiliated by the stern and independent language of the chief justice.

The other instance occurred in the reign of James II. Instigated by the same love of power and disregard of the well settled rights of the people that had marked the course of his predecessors, this king was endeavoring to subvert the religion of the realm. His ever to be remembered Declaration of Indulgence notoriously against law, and particularly offensive to all Protestants, had not only been made public by the royal proclamation, but, by orders in council, had been directed to be read in each church and chapel by the officiating minister, on particular days, named, before the regular service. Never was greater commotion produced in that kingdom by any State paper than that which was produced by this mandate of James. All classes were struck with consternation. The bishops in body petitioned and remonstrated. The king was unyielding and inexorable. To disobey was to incur the royal displeasure with all its consequences, while to obey would be a violation of their sense of duty to their Church and to their God! The 20th of May, 1688—a day which will never be forgotten by the readers of the annals of England—was the day fixed for the performance of this service in the metropolis of the empire. All London was aroused to the greatest degree of excitement. Thousands flocked to the churches to see what would be done. Speculation was rife as to the course the clergy would pursue. The minions of the crown boasted that no one would dare to disobey His Majesty's edict. It was on that day, and under such circumstances, that Samuel

Wesley, the father of John Wesley and Charles Wesley, ascended the pulpit before thousands of people, whose breasts were beating with doubtful and anxious expectation. When all were in the greatest suspense as to what he would do, that venerable divine rose and announced in emphatic language, as his text, these words: "*Be it known unto thee, oh King, that we will not serve thy gods, nor worship the golden image which thou hast set up.*" The usurpation of the crown was defied, and the integrity of principle was vindicated in the act! Had Samuel Wesley left no other memorial than this, it was sufficient to render his name immortal. This was the first decisive step in that rapid succession of movements which drove James from the throne, and brought about the revolution of 1688, and which secured the establishment of those principles of English liberty which enter so largely into our own American institutions. Coke was one of the most distinguished of those who met with manly firmness the first encroachment of power on the part of the first of the Stuarts; and Wesley should be equally distinguished for his lead in that resistance against the usurpations of the last of the same line which resulted in the expulsion of that house from power forever.

But again. For success in life, it is essential that there should be a fixedness of purpose as to the object and designs to be attained. There should be a clear conception of the outlines of that character which is to be established. The business of life, in whatever pursuit it may be directed, is a great work. And in this, as in all other undertakings, it is important in the outset to have a clear conception of what is to be done. This is the first thing to be settled. What profession, what vocation, is to be followed. The only rule for determining this is natural ability and natural aptitude, or suitableness for the particular business selected. The decision in such case should always be governed by that ideal of character which a man, with high aspirations, should always form for himself.

The artist who has laid before him the huge misshapen block of marble, from which the almost living and breathing statue is to spring, under the operation of his chisel, first has the *ideal in his mind*. The magnificent temple at Jerusalem, with all its halls and porticos, entrances, stairways, and arches, was designed by Solomon in all its grand proportions and arrangements, before the foundation stone was laid. The first thing with the sculptor, the architect, or the painter, is the grand design. This being fixed every thing afterward is directed toward its perfect consummation. So it should be with the great work of life. When the course is determined upon, to secure the object in view, it should be steadily pursued. You will pardon an illustration of the importance of this consideration by a reference to an incident in the life of one of the most distinguished men of our own country. I allude to Mr. Webster.

He, it may be known to you, was the son of a New Hampshire farmer of very limited means. All the hopes of the father were centered in his son. To put him through college was an object of great desire with him. This he succeeded in doing, but not without some pecuniary embarrassment, as may be the case with some of those fathers whom I now address, in their efforts to give an education to some of these young gentlemen now about to leave this seat of learning. Before young Daniel had left the walls of his *Alma Mater*, he had made up his mind to devote himself to the law. For the first year after his graduation, he taught school for the stipulated salary of three hundred and fifty dollars. At the expiration of that time, with this small capital in hand, he set out for Boston to enter upon the course that he had marked out for himself. He was admitted as a student of law in the office of a distinguished counsellor in that city. Soon after, and while he was still pursuing his studies, the clerkship of the court of common pleas of his native county of Hillsboro, in New Hampshire, became vacant. The emoluments of that office were about fifteen hundred dollars per annum. Some of his friends, from the best of motives, no doubt, procured the appointment for young Webster, supposing it would be very acceptable to him. The information was first given to his father, and he was requested to forward it to his son. The father was delighted, and he conveyed the intelligence to the son in such language that left no doubt of his earnest desire for its prompt acceptance. Such was his respect for the feelings of his father, that Mr. Webster could not send a reply in writing, but went immediately, in person, to make known to him that he could not accept the place. This he did by gradually unfolding his views and inclinations on the subject.

"What," said the father, after he found from the son's conversation that he was speaking against accepting the place; "what, do you intend to decline this office?"

"Most assuredly," replied the son, when the question came direct, "I cannot think of doing otherwise."

The father at first seemed angry; then assuming the air of one who first feels the pangs of disappointment in realizing long cherished hopes, he said:

"Well, my son, your mother always said that you would come to something or nothing; become a somebody or a nobody." The emphasis showed that he thought his son was about to become "*a nobody*."

The reply of the son was: "I intend, sir, to use my tongue in Court, and not my pen; to be an actor, and not the register of other men's actions." Nobly has that pledge been redeemed!

From this incident, parents, *mothers* as well as *fathers*, may learn a lesson. And that is not to be too hasty or rash in coming to the conclusion concerning any son, however headstrong he may seem, that he will ultimately turn out to be "*a nobody*."

The decision with Webster, though young, as to his future

course had been made. The *ideal* of that character which he desired to establish had been formed. And to the fixedness of purpose with which he adhered to it on that trying occasion, when the strongest inducements of parental entreaty and pecuniary gain were presented to divert him from it, the world is indebted for that name and fame which are the pride and admiration of his countrymen, and that towering reputation which sends its light and effulgence to the remotest regions of civilization.

Another example of the same principle of fixedness of purpose may be given in the character of Mr. Calhoun, who was so long one of Mr. Webster's most distinguished rivals in the Senate of the United States. They both entered life about the same time, though under very different circumstances. And the lives of both afford striking illustrations of that element of character of which I am now speaking. Mr. Calhoun from his earliest youth fixed his mind upon politics. Not the arts and tricks, and chicanery, of the mere politician or diplomatist, but what may be more properly termed the *science* of government; the knowledge and thorough understanding of those principles and laws of human actions which lie at the foundation of all civil society, in whatever form it may be found; and the regulations and modifications of which are necessary for the surest enjoyment of rational constitutional liberty.

In no branch of learning, perhaps, has mankind been slower in their progress than in understanding the true principles of government, the origin of its necessity, the sanction of its obligations, together with the correlative powers and duties of those who govern and those who are governed. This was most pointedly demonstrated in the able, ingenious, and admirable address which many of us listened to with so much pleasure in this place last night. (The address of Mr. L. Q. C. Lamar before the Crescent Society.)

To this most abstruse subject, which had engaged so much of the time and attention of the profoundest thinkers, that the world ever produced, the great Carolinian brought all the energies of his subtle and powerful intellect. It seems to have been the absorbing theme of his life. Nothing diverted him from it. To master it was his object. Nor was he unequal to the work undertaken. All questions of public policy, whether in the cabinet or in the legislative councils, seem to have been considered, examined, and analyzed by him according to the strictest principles of abstract philosophy. But his labors were not confined to the consideration and investigation of temporary questions connected with the administration of his own government. His objects were higher. His purposes were more comprehensive. He looked to achievements more permanent, as well as more substantial, than the acquisition of those transitory honors which accompany a forensic display or a triumphant reply in debate. To such an end his efforts for years were directed. The result was the production of a *Treatise or Disquisition*, as he calls it, on government, which has been published since his death, and which, though it has as yet produced

but little sensation in the public mind, at no distant day will doubtless be regarded as the crowning glory of his illustrious life. This treatise has no particular reference to the government of the United States. But it discusses the elements and principles of all forms of government. Reduces them to system and the rules of science. I take this occasion thus to speak of it in this connection to commend it to your careful perusal and close study. It ought to be a text-book in all our schools, and its principles ought to be familiar to every citizen in the country—old and young. In my judgment it surpasses every thing that ever was produced on the same subject, from Aristotle to Locke and Burke. The work is short, compact, and well condensed, but clear and perspicuous in style and arrangement, and I venture to say that it is one of the few books of this age which will outlive the language in which it was written.

I have one other point only to present—that is, energy in execution. And though last in order, it is far from being least in importance. By this I mean application, attention, activity, perseverance, and untiring industry in that business or pursuit, whatever it may be, which is undertaken. Nothing great or good can ever be accomplished without labor and toil. Motion is the law of living nature. Inaction is the symbol of death, if it is not death itself. The hugest engines, with strength and capacity sufficient to drive the mightiest ships “across the stormy deep,” are utterly useless without a moving power. Energy is the steam power, the motive principle of intellectual capacity. It is the propelling force; and, as in physics, *momentum* is resolvable into quantity of matter and velocity, so in metaphysics, the extent of human accomplishment may be resolvable in the degree of intellectual endowment and the energy with which it is directed. A small body driven by a great force, will produce a result equal to, or even greater, than that of a much larger body moved by a considerably less force. So it is with minds. Hence we often see men of comparatively small capacity, by greater energy alone, leave, and justly leave, their superiors in natural gifts far behind them in the race for honors, distinction, and preferment.

This is the real *vis vitæ* or that principle in human nature which gives power and *vim* to the efforts of genius toward whatever objects such efforts may be directed. It is this which imparts that quality which we designate by the very expressive term “*force* of character;” that which meets, defies, and bears down all opposition. This is, perhaps, the most striking characteristic of those great minds and intellects which never fail to impress their names, their views, ideas, and opinions indelibly upon the history of the times in which they live. Men of this class are those pioneers of thought, who, sometimes even “in advance of the age,” are known and marked in history as originators and discoverers, or those who overturn old orders and systems of things and build up new ones. To this class belong

Columbus, Luther, Cromwell, Watt, Fulton, Franklin, and Washington. It was to the same class that General Jackson belonged. He not only had a clear conception of his purpose, but a will and energy to execute it. And it is in the same class, or amongst the first order of men, that Henry Clay will be assigned a place; that great man to whom we have had such frequent allusion during these exercises, and whose recent loss the nation still mourns. Mr. Clay's success, and those civic achievements, which will render his name as lasting as the history of his country, were the result of nothing so much as that element of character which I have denominated energy. Thrown upon life at an early age, without any means or resources save his natural powers and abilities, and without the advantages of any thing above a common school education, he had nothing to rely upon but himself, and nothing upon which to place a hope but his own exertions. But, fired with a high and noble ambition, he resolved, young as he was, and cheerless as were his prospects, to meet and surmount every embarrassment and obstacle by which he was surrounded. His aims and objects were high and worthy the greatest efforts; they were not to secure the laurels won upon the battle-field, but those wreaths which adorn the brow of the wise, the firm, the sagacious and far-seeing statesman. The honor and glory of his life was—

“Th’ applause of list’ning senates to command,
The threats of pain and ruin to despise,
To scatter plenty o’er a smiling land,
And read *his* history in a nation’s eyes!”

This great end he most successfully accomplished. And if he had aspirations for a position, in his own estimation, even higher, yet no one now, or hereafter, can ever indulge the opinion that its attainment would have added any thing to that full measure of fame with which he has descended to the tomb! In his life and character you have a most striking example of what energy and indomitable perseverance can do, even when opposed by the most adverse circumstances.

Young gentlemen, I have given you this brief sketch of some of those elements of character which may be deemed essential for success in those exciting scenes and uncertain conflicts through which life’s journey will lead you. One word, in conclusion, by way of application.

It is the reply of Cardinal Richelieu upon a memorable occasion as we have it in the play. In one of the most critical points in the fortunes of the cardinal, as well as of France, it became a matter of the utmost importance that a particular paper should be obtained by him to be presented to the king. The cardinal was prime minister as he had been for a number of years. A conspiracy had been formed on the part of some of the nobles, not only against him, but against the throne itself. These nobles

had succeeded, as part of their plan, in alienating the king from his minister. The paper contained the positive evidence of the conspiracy and treachery of his and the king's enemies. His fate, and the fate of his sovereign, depended upon his getting immediate possession of the paper. He was a man of energy, and had never before been thwarted or unsuccessful in any enterprise. For years he had ruled France with almost absolute sway. At this juncture, when nothing could save his fortune but the paper in question, Richelieu called to his assistance a young man of spirit and courage, and enjoined upon him the arduous and difficult task of securing and bringing to him the packet. But the young man, being duly impressed with the importance of his mission, and providing in his mind for the various contingencies that might happen, says "If I fail"—

Richelieu, not allowing the sentence to be finished, and stopping the utterance of a possibility of a doubt touching his success, replies :

"Fail! Fail!"

In the lexicon of youth, which Fate reserves
For a bright manhood, there is no such word
As—fail!"

So say I to you in entering upon that career that lies before you. If, at any time, fears and doubts beset you as to your success. If the world grows cold. If friends forsake and enemies combine. If difficulties multiply, and even environ you. If the future assume its darkest robes without a ray of light or hope. Never despair. Never give up. Banish your apprehensions. Rely upon yourselves. And recollect that to the man who knows himself thoroughly, who governs himself properly, who stands firmly on principle, who has a fixed purpose to do something worthy of future remembrance, and who applies himself with energy in its execution, *there is no such word as fail!*

SPEECH ON THE BILL TO PREVENT FRAUDS UPON THE TREASURY OF THE UNITED STATES—IN DEFENCE OF MR. CORWIN—AND THE GALPHIN CLAIM.

DELIVERED IN THE HOUSE OF REPRESENTATIVES,

JANUARY 13, 1853.

The bill under consideration, Mr. Speaker, is reported by the Select Committee of this House appointed to investigate the Gardiner claim. I do not see any connection which it has with the business submitted to that committee. It seems to be before the House anomalously. I suppose it must have got here by

unanimous consent. The committee certainly had no authority from this House to report it. So far as the bill, therefore, is concerned, I shall treat it as an independent measure before this House, as if reported by any individual, and I shall not connect its merits with the investigation of the Gardiner claim, for I see no legitimate connection between it and the subject referred to that committee for investigation. The bill, I believe, is in substance the same as one introduced into the Senate by a Senator from North Carolina [Mr. BADGER]. In the remarks which I shall make upon its merits, I shall necessarily, in noticing the topics of discussion which it has given rise to, introduce some of the subjects which the gentleman have alluded to in the progress of the debate. The gentleman from Ohio, [Mr. OLDS,] for instance, who, I believe, addressed the committee first upon this subject, and whose speech is reported for the first time in the *Globe* of this morning, seems to consider the report of this bill by that committee as confirming his original remarks in relation to the Secretary of the Treasury, Mr. Corwin. I do not so consider it. I do not consider that there is any thing in the report of the committee which can justify such an inference. I take this occasion to state to this House that I think the investigation and report of that committee fully and completely exonerates the Secretary of the Treasury from that improper connection with the Gardiner claim which the gentleman from Ohio [Mr. OLDS] seemed to entertain the opinion or suspicion that he held. I notice the following in the report of the gentleman's remarks, and I shall be brief upon this point :

"Mr. Speaker, I will not say that at the time I offered the resolution calling for this committee of investigation, that I had not a settled conviction upon my mind, that Corwin must have known, or at least have strongly suspected, the fraudulent character of this claim. That conviction has not been changed, but greatly confirmed, by the evidence reported by the committee. But, sir, notwithstanding these convictions, I had no purpose of making any such charge in the resolution, knowing the utter impossibility of proving a man's thoughts or impressions. Nothing in the language of the resolution, or in the *remarks with which I accompanied the resolution*, can be construed into such a charge."

Now, sir, I have the remarks of the gentleman as made before this House, in which he says :

"Through the investigation of Congress, their Galphinism has been exposed; and Crawford, loaded with the execrations of the American people, has received his passport to perpetual infamy. But Corwin still remains unwhipped of justice. True, sir, his catspaw and accomplice in the fraud is loaded with irons, and is branded by public sentiment as a perjurer and forger; but the master-moving spirit, the head and brains in the fraud, through the negligence of this House, is still permitted to control the Treasury of the United States."

Mr. OLDS. That is a quotation from a speech made in July upon entirely another question, in which I referred incidentally

to the Galphinism of the country. It had no connection with this resolution whatever.

Mr. STEPHENS. These were remarks made by the gentleman in connection with this subject. Is he prepared now before the House to say that he takes this expression back?

Mr. OLDS. No, sir. I say that the remarks I made at the time I offered this resolution, show that I intended to make no such call upon the House for investigation.

Mr. STEPHENS. Then, if the gentlemen does not take them back, or modify them, he should make them good. They were remarks made by him in this House and to the country before this committee was raised, as one of the reasons for raising the committee, though they may not have been made at the time the committee was ordered. Now, then, the gentleman ought either to sustain this charge before the House, or modify it. I must consider it as a part of the remarks made by him, which induced the House to raise the committee. This was the gist of the accusation. It is not my purpose at all to discuss the merits of the Gardiner claim; that is, whether it was founded in justice, or whether it was a fabricated fraud from beginning to end. That was not even before the investigation committee. I am free to state, however, from reading the report of this investigation carefully, I concur with the other gentlemen, that my impression is that it is fraudulent. But the subject referred to that committee to investigate, and which, so far as their report is concerned, is now before the House, is his (Mr. Corwin's) "*improper*" connection with the claim; because the very resolution offered by the gentleman, and passed by this House, stated that—

"Whereas a strong suspicion rests upon the public mind that fraudulent claims have been allowed by the late Mexican Claim Commission, with one of which it is suspected that Thomas Corwin, Secretary of the Treasury, has been *improperly* connected: Therefore,

"*Resolved*, That a committee, consisting of five members of this House, be appointed by the Speaker, to investigate all the facts touching the connection of the said Thomas Corwin, the present Secretary of the Treasury, with the said Gardiner claim; what fee, if any, he was to receive for his services as agent or counsel for said Gardiner; what interest, if any, other than his fee interest, he purchased and held, either directly or indirectly, in said claim, and the amount paid, or stipulated to be paid therefor, and condition of such purchase; at what time he ceased to act as the counsel or agent of said Gardiner; to whom and for what consideration he disposed of his fee interest; to whom and for what consideration he disposed of his one fourth interest in said claim."

The only question, therefore, so far as the report of that committee is concerned, is, whether the Secretary of the Treasury was improperly connected with the claim of which there was a suspicion of fraud attached to it. That is the only question. Well, sir, does not this report of the committee, raised at the instance of the gentleman from Ohio, sufficiently show to us and

to the country, that there was no *improper* connection at all on the part of the Secretary of the Treasury with the claim? The gentleman from Ohio attempts to argue not; and the whole of his speech seems to be a sort of censure upon the committee that was raised at his own instance; at least it so struck me. He seemed to be grumbling at their conclusion. What is that conclusion of the committee on the real point in issue? Here is their language:

"No testimony has been adduced before the committee proving, or tending to prove, that the Hon. Thomas Corwin had any knowledge that the claim of the said Gardiner was fraudulent, or that false testimony or forged papers had been or were to be procured to sustain the same."

The testimony before the committee shows conclusively that Mr. Corwin had no interest whatever in this claim after he became Secretary of the Treasury; and the committee say that there is no evidence showing, "*or tending to show*," that even as a private citizen, in his vocation as an attorney, he knew any thing at all of the fraud. There is nothing then connecting Mr. Corwin *improperly* with the claim. But, says the gentleman, the committee have reported this bill. Now it is to that point that I wish to speak briefly, because this bill was not reported by any authority conferred on the committee, nor does it touch the case before them. I do not intend to let the gentleman escape in this way. I call the attention of the House to this fact, that if Mr. Corwin, as Secretary of the Treasury, had been improperly connected with this claim—as was intimated in the original charge—there would have been no necessity at all for any special bill to reach his delinquency.

Sir, the founders of our government, in one of the first acts passed by Congress, after the organization of the government, sufficiently protected the Treasury of the United States in this particular. If Mr. Corwin acted improperly, you need pass no new law for others; you can now prosecute him, and visit upon him the punishment he deserves; you need not let him pass from defect of the law. I call the attention of the House to the act creating the Treasury Department in 1789 to show that there is no necessity for this bill to meet any future case similar to that then before the committee. I read the eighth section of that act:

"SEC. 8. *And be it further enacted*, That no person appointed to any office instituted by this act shall, directly or indirectly, be concerned or interested in carrying on the business of trade or commerce, or be owner, in whole or in part, of any sea vessel, or purchase, by himself or another in trust for him, any public lands or other public property, or be concerned in the purchase or disposal of any *public securities* of any State or of the *United States*, or take or apply to his own use or emolument or gain, for negotiating or transacting any business in the said Department other than what shall be allowed by law; and if any person shall offend against any of the prohibitions of this act, he shall be deemed guilty of a high misdemeanor, and forfeit to the United States the penalty of \$3,000, and shall, upon conviction, be removed from office, and forever thereafter incapable of holding any office under the United States," etc.

Sir, if Mr. Corwin, as Secretary of the Treasury, was "improperly connected" with this claim against the treasury, as charged, here is a law of the country that has been in existence since 1789, under which you can proceed against him, and by which you can not only displace him, but disgrace him forever. If, therefore, the committee undertook to recommend this bill to meet Mr. Corwin's case, I beg to inform them, and the gentleman from Ohio, that their work is but an act of supererogation. Here is a law quite sufficient for them or him to act upon. My object, sir, is to disconnect this bill, upon which I intend to speak hereafter, entirely from the matter and case referred to that committee. But I wish to premise a few remarks upon the facts reported by that committee, and which have been commented on in the debate.

Now, Mr. Speaker, these facts are, that Mr. Corwin, while he was a *Senator of the United States*, was employed as an attorney before the Board of Commissioners to adjudicate claims against Mexico in behalf of Gardiner, a claimant, and that he also took an interest by assignment in his claim. These facts are admitted. The gentleman from Tennessee, [Mr. JOHNSON,] argued yesterday that it was *malum in se*; that it was *wrong in itself* for a member of Congress to appear as an attorney for fee or reward before any such tribunal. Is that gentleman right in that position? If he is, Mr. Corwin did something wrong in itself, and deserves censure. If not, he is certainly above reproach of even the most fastidious in what he did. Let us refer to our history on this subject. Every gentleman who hears me knows that it is usual, and has been from the beginning of this government, for Senators and members of the House to appear as counsel for fee and reward or compensation before the Supreme Court of the United States, to appear before any of the courts of the Union, and before commissioners appointed to adjudicate claims similar to these—before just such tribunals as this was. Nay, more; I believe that even anterior to our Revolution, Dr. Franklin did not consider it *malum in se* to receive fees and act as agent for several of the colonies before the proper departments of the government of the mother country—Great Britain. He was the regular agent, first of Pennsylvania, then of Massachusetts, and of Georgia, perhaps others of the colonies. I maintain, therefore, that there is nothing in the thing itself which, by the general consent of our countrymen, even the wisest and the best, is, or has been considered, wrong in acting as counsel or attorney, or agent for proper compensation in such a capacity. I believe it is a historical fact, that after the Jay treaty, there was a commission instituted for the adjudication and settlement of claims provided for in that treaty, and that the ablest attorneys in the country at that time, appeared before the board thus constituted—amongst them members of Congress.

Again, at the close of the last war with England, under a con-

vention, a similar board was constituted. The celebrated Mr. Pinkney, of the State of Maryland, a distinguished member of this body—an honor to his State, and an honor to his country—a man whose eloquence was perhaps never surpassed—a man whose integrity never was questioned, so far as I know—he, sir, appeared, as I am informed, before that commission, and argued important cases as attorney for parties in interest. Who ever heard his conduct questioned? Who ever heard an imputation cast upon his character, for thus advocating the rights of those who sought the aid of his legal counsel? I give him as one instance amongst others. But further still, I have a paper before me from which it appears that the Hon. George M. Dallas, while he was Vice-President of the United States, received fees for prosecuting, with others, a claim before one of the departments—others were engaged with him in the same case, members of Congress of the highest character and the strictest purity. How can men thus employed be said to be employed against the Treasury of the United States? In most instances, the only question is, who among several claimants shall receive a particular fund?

But, sir, I come down even to this very tribunal before which Senator Corwin agreed to appear as counsel. He was not the only member of Congress who appeared or agreed to appear there as counsel. And if there was any thing *improper* in his connection with it, was it not so with other members of Congress? Mark you, I do not allude to these facts by way of casting imputations upon any of the gentlemen whom I shall name, but I do not intend, sitting here in this hall, to permit a false impression to go before this country, or that Mr. Corwin, who is a distinguished lawyer, shall be made a scape-goat of by any gentleman upon this floor. Mark you, that the whole charge *sustained* is, that Mr. Corwin, *while a Senator*, was employed by Dr. Gardiner to represent his claim as one amongst other *lawyers* before the Board of Commissioners. For the testimony is conclusive that, perhaps, knowing the statute of 1789, which I have read, if from no other consideration, he disconnected himself from that relation before he assumed the position of Secretary of the Treasury.

But the gentleman from Ohio [Mr. OLDS] says that the transfer of his interest was all a farce. Well, if so, the issue is between him and his committee. They do not report that it was a farce, that it was an *unconditional transfer* of all his interest in the claim. I am bound, therefore, so to consider it. Well, then, sir, was Mr. Corwin the only distinguished Senator who appeared as counsel before that Commission? I have not seen the docket, but I speak from information which has been communicated to me, and which I have no doubt is correct. I am informed that the honorable Senator from Missouri [Colonel BENTON] appeared in a case there. I am informed that the honorable Senator from Louisiana [Mr. SOULE] appeared in a case there. I

believe that the honorable Daniel Webster appeared as counsel there in two cases. The honorable Mr. BRIGHT, a Senator from Indiana, appeared there also in four cases, as I am informed. Whether those gentlemen appeared for fee or reward, I do not know. I come now to this House; and mark me again, that I do not intend to cast any imputation upon any gentleman, because I do not consider myself that there was any wrong in it. There was no law against it, and it had been the custom of the country from the beginning for men holding such positions to act in such capacity. But I am informed that the honorable Mr. HOWARD, of Texas, appeared before that Commission in behalf of some claimants. The honorable Mr. EWING, of Tennessee, who was then, but not now, a member of this House, appeared there as counsel, or represented some party, as I am told. The honorable Mr. PHELPS, of this House, did the same thing.

Mr. PHELPS. The gentleman from Georgia is mistaken in relation to that matter.

Mr. STEPHENS. Well, sir, I shall be glad to be corrected. I only speak from information received from others, as I have stated.

Mr. PHELPS. Permit me, then, to make a brief statement. When the Mexican commission assembled, one of my constituents handed me his memorial, with the request that I would send it to the commission with the proofs accompanying it. I did so send it. My constituents then desired me to appear before the commission, if necessary, and attend to the case. Action was had upon the case, but I never appeared before the commission. I only inquired of one of the commissioners what action had been had upon it. I received no compensation for it whatever. I attended to the business as I would attend to any other business of my constituents. But I do not appear as counsel in the case.

Mr. JOHNSON, of Tennessee. I wish to ask the gentleman from Missouri this question: Did you ever receive any compensation for your action before this commission?

Mr. PHELPS. I did not appear before that board at all, nor did I receive any compensation for filing the memorial.

Mr. HOWARD. As the gentleman from Georgia has mentioned my name in this connection, I desire to state that two constituents of mine sent cases to me which I filed before the board. I presented them, however, without having exacted or received any compensation.

Mr. STEPHENS. Then I understand the gentleman from Texas did appear before the board, but received no compensation for it.

Mr. HOWARD. I will state that I received petitions and papers made out, some of which I corrected, one petition I redrafted, and signed them. The witnesses are unimpeached, and they swear as counsel, and presented them before the board, but I never

received any compensation nor charged any. I have never charged or received any pay for business to which I here attend to before the departments.

While I am up, however, I will state that I do not myself consider an appearance before such a board as any thing improper in itself. I agreed to this report, however, because I think it is better for the representatives and the country that members of Congress should not appear before such commissions, and not because I considered such an appearance as any thing improper in itself. I shall take occasion to state my reasons for this opinion before the debate closes.

Mr. STEPHENS. What I was informed, then, is true, that these gentlemen did act as counsel before this board. Mr. PHELPS did not appear before the board in person, because it was not necessary; but as the papers presented by them were for constituents, they did not charge or receive any compensation for their services. On that point, as I stated, I was not informed as to either or any of the gentlemen named by me.

Mr. PHELPS. I did not appear before the board at all. I merely handed in the papers.

Mr. STEPHENS. The gentleman did not appear, because it was not necessary. I presume there is no question that neither of these gentlemen received any compensation for their services. But the gentleman from Texas very correctly states, in my opinion, that it was nothing unusual or improper in members of Congress in appearing before such a board as counsel for compensation.

Mr. STANTON, of Tennessee. Will the gentleman allow me to make a statement?

Mr. STEPHENS. Be brief.

Mr. STANTON. I do not know whether the gentleman from Georgia has my name as appearing before this commission or not, but I did appear there, in one case for a constituent of mine, who employed me as his counsel, and paid me for it. I drew his memorial, and presented it before the board. I did not think the commission allowed him half as much as he was entitled to, but he paid me in accordance with his own proposition.

Mr. STEPHENS. I did not have the gentleman's name; and it is very possible other members of Congress appeared about whom I have no information.

Mr. STANTON. I will state further, Mr. Speaker, that I have attended to business for my constituents and others, a thousand times, and never received a cent for my services, and never would receive a cent, although money has been repeatedly offered me.

Mr. STEPHENS. It seems, then, that the two gentlemen, Mr. Howard and Mr. Phelps, happened to have the papers of constituents, in consideration of which, they did not charge them for their services; but if the papers had been presented by others,

according to the statement of the gentleman from Tennessee, [Mr. STANTON,] and of the gentleman from Texas, [Mr. HOWARD,] they would have considered it nothing improper to have appeared before that commission, any more than to have appeared before the Supreme Court as counsel.

Now, my point was, to show from the whole legislative history of the country, that such a connection has never been deemed improper, that there is no legislation against it. This I think I have established. The only department of the government in relation to which such a connection is prohibited by law is that of the Treasury. That is the only department in which public officers are prohibited from holding such a relationship. In the war department there is no law against either the head of it or any subordinate being interested in a claim, or prosecuting a claim pending before the Treasury. In the State department there is no such prohibition, or in any other department. Here, and in this connection, I beg to call the attention of the House to the investigation which was had in 1837, before the memorable committee of Mr. Wise. You recollect, perhaps, that amongst other charges of impropriety preferred by Mr. Wise, was, that the heads of some of the departments were speculating in the public lands, and with having interest in, and with prosecuting claims against the government. The position of General Jackson, and of the party then in power, of which he was emphatically the head, was, that *there was no law against it*, and that if the head of any of the departments, except the treasury, or any of the officers of the government, had a claim against the government, or was disposed to invest his money in speculating in the public lands, that it was no well-grounded charge against the integrity of such officer. I have the report of that committee before me, with the remarks of Mr. Wise upon it. These papers, I think, fully sustain this position.

The Secretary of State was charged at that time with being largely interested in a land company in the State of Alabama. Witnesses were put upon the stand and questioned as to that fact. The question was so modified and restricted as to make the witness answer whether the Secretary of State had been interested in any land speculations "contrary to law." There was no law against it, and the question was not permitted to be propounded touching the matter without this modification. The inference was clear that he was, or if he was, that it was his legal right to be so interested.

Well, sir, with this distinct allegation as to the Secretary of State, what said General Jackson to this committee? "If you are able to *point to any case* where there is the slightest reason to suspect corruption or abuse of trust, no obstacle which I can remove shall be interposed to prevent the fullest scrutiny by all legal means." This he said to Mr. Wise. He had specified the speculations of the Secretary of State in public lands. But that

was no case of "corruption and abuse," in the opinion of General Jackson, because it was not against any law.

General Jackson held that there was no corruption in the charge, if true, because there was no law against it; and his friends in this House on the committee would not allow the question to be put.

And I say, sir, you must first define crime before you go hunting criminals. You must first proclaim by law what is wrong, and what you intend to hold up to public odium, before you can hold Mr. Corwin, or Mr. Anybody else, up as a public malefactor for breaking your law. Your law must first be made and published. Where there is no law there is no transgression. Therefore you cannot rightfully charge the Secretary of the Treasury, as a Senator of the United States, with being "improperly" employed as counsel before the Board of Mexican Commissioners, which is the issue in this matter, until you declare by law that a Senator shall not be so employed, and until he then shall have rendered himself obnoxious to the provisions of your law. When all this takes place, his conduct will fall within the range of those acts which are called "*mala prohibita*" and not even then within that class denominated "*mala in se*," unless there be positive corruption.

But, sir, there is another matter brought into discussion, to which I beg the indulgence of the House for a short reference to.

The investigations of Mr. Wise's committee were connected with other matters beside speculations in land, and one of which has been alluded to in this debate. It was freely admitted by the then Secretary of State—Mr. Forsyth—that he had been employed as attorney, and was so employed while Secretary of State, to prosecute against the government what is well known as the Galphin claim. General Jackson knew, and the country knew, that Mr. Forsyth admitted this. It was not denied. He was Secretary of State, and admitted the fact before the committee. Here is his evidence. Yet no one censured Mr. Forsyth; and no one then dared to impugn his honor for it. That then and now stands above reproach—because it was his legal right to do so. The Secretary of the Treasury was by the law of 1789 prohibited from prosecuting or becoming interested in claims against the government. But, as I have said, there is no law prohibiting this in the heads of the other departments. Now, I beg the indulgence of the House, by way of digression, to allude somewhat to this claim, which others have associated with "Gardinerism," as they call it. I addressed a former House upon the same subject. But there are many here who I doubt not know but little of its merits. The gentleman from Ohio, [Mr. OLDS,] in his speech, alludes to "Galphinism," or the "Galphins." He says, that after the decease of the lamented Taylor, when Mr. Fillmore entered this hall to take the oath of office, followed by the Cabinet of General Taylor, Corwin heard the murmur from

the galleries, "there come the Galphins," which reached every part of the hall.

Well, sir, the gentleman may have heard such a murmur, but I did not, and never heard of it until I saw it in his speech.

Now, sir, I intend to say something on this Galphin claim. Gentlemen may, if they choose, continue to cry out Galphin fraud; but they shall not do it without the exposure which is due to the truth, as well as right and justice.

Mr. Speaker, I am here to-day to defend that claim against any one who may be bold enough to assail it. I hold myself ready to say and maintain that there was no fraud in the Galphin claim. I saw this claim alluded to in a paper the other day as the "Galphin swindle." Now, Mr. Speaker, I ask this House to hear, not as partisans, what I have to assert in vindication of the truth in this matter. I feel it my duty to do it, in vindication of people whom I know, descendants of Galphin, and men who under him have received their just rights—rights which were long delayed at the door of public justice. Some of these gentlemen reside in the State of Georgia, and some reside in the State of South Carolina—as high-minded, honorable, and chivalrous men as ever trod the face of the earth; men who would scorn to take a dollar from the government which was not justly their due. Some of these parties I know—and I will vindicate them, and I will vindicate the truth of history, whenever they or their conduct in this matter are assailed or maligned. There was, sir, no fraud in the Galphin claim. In the maintenance of what I say, I shall assert facts and nothing but facts, which are uncontroverted in the past and incontrovertible for all time to come. And when I am done, I want to see the man rise up here in the face of these facts and say that there was fraud in the payment of that just debt.

These are the facts: In 1773, the Cherokee Indians and the Creek Indians in the State of Georgia, were indebted to certain traders to a considerable amount of money. They had nothing to pay it with. This was while Georgia was a British colony. These Indians agreed to cede to the Crown of Great Britain a certain amount of land—two millions and a half of acres, or thereabouts—in consideration of which Great Britain was to take the lands and discharge their debts to these traders. The treaty was made in 1773. On the 2d of May, 1775, a certificate was made out by commissioners appointed according to the treaty, to George Galphin for £9,791 15s. 5d. The war of the Revolution broke out in 1776. The land was not sold to Great Britain, nor the debt or any part of it paid; and in 1777 Georgia took possession of the lands. She gave them as bounty to the soldiers who would go and occupy them. She used them in our national defense in the war of the Revolution; and George Galphin, in that day, did your country and the infant colony of Georgia most es-

sential service in preventing the Indians from making inroads upon the defenceless inhabitants of that unprotected frontier.

I speak from history and the records of the country—Galphin was true to the cause of his country and her struggle for independence. And I state here, that the only section of our State which was not at some period of the war taken by the British, was where settlements were made on those lands, in the county of Wilkes. There the British flag has never waved since the Declaration of Independence. Nay, more; a fort erected by these settlers, bearing the name of Washington, on the site of the present town of Washington—the name continued from that day to this—was the first place, as I believe, on this whole continent, named in honor of the Father of his country. This, I say, I believe. I do not state this as a historic fact; for there may have been some place so called at an earlier date; I think not, however; and until the contrary be shown, I shall claim this honor for my State, and the people of the county of my birth.

But to proceed with my narrative. The State of Georgia, in 1780, passed an act binding and obligating herself to pay to any of those Indian claimants who were true to the country, the whole amount awarded to them by the commissioners under the treaty, and for which the lands were bound in equity and good faith, with interest at six per cent. George Galphin was one of them. By her act she assumed this debt of Galphin for £9,791 15s. 5d., with interest at six per cent. per annum. Did not this solemn act create a just debt? But Galphin died in 1780, very soon after the act passed.

George Walton, a signer of the Declaration of Independence, from the State of Georgia, testified himself, in 1800, that he knew George Galphin; that he “enjoyed his friendship in his lifetime;” that he was a patriot, and had rendered essential services to the country. Mr. Walton further stated that he was on the committee in the Georgia Legislature that framed the law of 1780, providing for the payment of these claims; that he was chairman of that committee; that he drew the act, and well recollected “*its motives, its sincerity, and its intention of justice,*” and that it was an honest debt, due to that “venerable man.” Did George Walton want to “swindle” anybody? Did George Walton *plot fraud against your Treasury*?—George Walton the man who risked his life for the liberties you enjoy? Was he sneaking about to get his arm into the Treasury? Sir, he was made of sterner stuff, and you may howl against the Galphins as long as you please, but while I stand upon the testimony of the man who stood by this country in its darkest hour, I shall feel no dishonor in defending the rights of that man whose friendship he enjoyed while living.

I say there never was a juster claim against the State of Georgia than this. She pledged to him the amount of his debt, which was £9,791 15s. 5d. in sterling money, and six per cent.

interest. Well, the old man died a month or two after—the venerable old man, as the patriot Walton called him. I saw some time ago a toast given at a dinner, with this idea—that the history of this administration would be written in the blood of the Galphins. And who, sir, was Galphin? He was one of the most distinguished men living on the frontiers of your country, a man who stood by the patriots who won your liberties and achieved the independence of your country. I state further that his daughter was married to John Milledge, of Georgia, a man whose name the capital of our State still bears in the city of Milledgeville, and we do not feel dishonored by this perpetuation of the name of a man who was thus connected and allied with George Galphin? And whoever wants the history of this administration written in the blood of the Galphins, wants it written in the blood of some of the purest and noblest men who periled their all for the rights and liberties of their country.

Now, sir, this claim was presented to the legislature of the State of Georgia, in 1793, by his son. The committee to whom it was referred, reported in favor of it. And it was presented to several legislatures after that up to 1826; but it was not paid, though almost every committee to whom it was referred reported in favor of it, as a just debt against Georgia. Do you ask why it was not paid? I will tell you, in my opinion, simply because they did not have the money. For the same reason, I fear that most of our States will fail to pay their debts when the question shall be between refusal and very high taxation.

Well, why was it presented here? I will tell you. In 1790, the general government passed what is known as the assumption act. That is, the general government brought into a general account the contributions of each State, either to the general defence, or the particular defence of the common country, during the common struggle of the war for our national independence. At this time Galphin was dead, and Georgia had not paid this £9,791 15s. 5*d.* She had pledged herself to pay for the lands she had taken possession of and disposed of, but she had not paid the debt, and did not bring it into the account on the settlement under the assumption act of 1790. The settlement under the assumption act was thought for a long time in Georgia to be a final settlement, and that she could not go behind it. Well, in 1832, the State of Virginia, came before Congress, and presented claims to a large amount under these circumstances: She stated that during the war of the revolution, she had by law promised to pay to certain officers in her State line, raised for her own particular defence, certain annuities for life, upon certain conditions set forth in an act of her general assembly. A number of these officers insisted that they had complied with these conditions, and claimed their compensation according to contract. She had resisted these claims for a long time, but finally her courts, which were open against her, had decided in favor of the

claimants, and judgments to a large amount were rendered against her, and the State then came and asked Congress to re-open the assumption act of 1790, or at least to pay these claims, upon the principles of that act; because she said that her liability to these officers was of the same nature as the advances for the particular defence that she had made, and which had been brought into the account under the assumption act of 1790. Congress, in 1832, assumed the liability and paid it; and in doing that, Congress did right; because Virginia, in 1790, did not know that she was liable, or would be liable for those claims. You paid under that act nearly a million of dollars, perhaps more.

Now, then, the representatives of Galphin came and asked the general government to pay them £9,791 15s. 5d., with interest at six per cent.; which was the liability or debt of Georgia, incurred for the particular defence of that part of the common country not included in the act of 1790, just as they did the Virginia claims, and identically upon the same principles of equity and justice and right. In 1836, the Senate passed a resolution requesting the President of the United States (General Jackson) to write to the Governor of Georgia, to get all the information in his possession upon the subject. In January, 1837, General Jackson so wrote; and Governor Schley, of Georgia—a political friend of General Jackson—answered the inquiries soon after, and amongst other things said, “*that there is justly due to the heirs of George Galphin the sum of nine thousand seven hundred and ninety-one pounds fifteen shillings and five pence sterling money of Great Britain,*” etc., etc.; “*and the only question now is, whether Georgia or the United States ought to pay the money.*” The claim, like many others, remained for several years; but in August, 1848, Congress passed a law requiring the Secretary of the Treasury “to examine and adjust” it, and “to pay the amount which may be found due to Milledge Galphin, executor of George Galphin, out of any money in the treasury not otherwise appropriated;” and in pursuance of that law the principal and interest of that debt was paid. That sir, is Galphinism!—its height, its length, its breadth, and depth. There it stands in all its naked deformity. Look upon it, examine it, scrutinize it, and tell me where is the “*swindle,*” and who have been the “*swindlers.*” When the case was last presented to Congress, whose hands was it put into? Into the hands of George McDuffie, of South Carolina. Who presented it? George McDuffie! Did he want to commit a fraud against your treasury? Was he a swindler? It went before a committee, and who constituted that Committee? Messrs. Ashley, Breese, Berrien, Westcott and, Webster. They made a report to the Senate, and spread it before the country in 1847. The bill passed the Senate. There was no formidable opposition, because the grounds upon which it was presented and sustained were too clear, as I believe, to be avoided. Here was the act of Georgia obliging her to pay that debt—as solemn a debt as ever

was contracted. It was for particular defences, and was put upon precisely the same grounds of assumption as the Virginia claims, and no one could escape the force of the reasons.

In 1848 it was before the same committee in the Senate. That committee was composed of the same gentlemen who constituted the former committee, with one or two exceptions—a committee of able and practical men. They reported again in favor of it. Were they the “Galphins” who perpetrated this monstrous fraud? The distinguished Senator from Michigan, [General Cass,] when Secretary of War, said that there was no doubt but that the claim was just, and the only question was, which should pay it, Georgia or the United States. Was he one of the swindlers?

Early in 1848, the bill came into this House, and was laid upon your table. The report was printed, and the case referred to a committee of this House. I have before me the names of that committee, and they are all honorable men, and unimpeachable. One of the gentlemen upon that committee (Mr. Pettit) is nominated by his party, I see, to be a Senator from the State of Indiana. Was he a swindler? Did he think it was a great fraud? Was he trying to cheat the public? Is he one of those with whose blood it is the desire of some to write the history of this Administration? Do you want to write the history of the Administration in the blood of General Cass, of Mr. Forsyth, of Governor Schley, the blood of the Judiciary Committee in the Senate, and in the blood of the distinguished individual to whom I have just alluded? Are all these men Galphins? I believe the gentleman from Ohio said that they, the “Galphins,” were buried so deep, that the hand of resurrection would never raise them up. But the Democracy in Indiana, it seems, has imparted new life to one of them—has “galvanized” him, at least, by sending him to the Senate.

I heard a gentleman inquire how this Galphin claim passed through this House. I say it passed this House by the unanimous vote of every man in it, when any one man’s voice could have prevented it. It stood upon its own merits. No speech was made in its behalf. It had no advocate but the plain, short, strong argument of the committee. Their printed report lay upon your desk for six months. It was taken up and acted upon at a time when no bill could pass, that did not receive the unanimous support of every man in the House. Your Journal shows this fact. It passed in August, 1848. Were all in this House then Galphins? It was passed, and carried to Mr. Polk for his signature. Did not he understand all about Galphin? Was not Mr. Forsyth a feed attorney, and did he not prosecute it while Secretary of State under Jackson? Did not Mr. Wise report then, that this Galphin claim was about \$150,000? Was not Mr. Polk, as Speaker of this House at that time, conversant with all these facts? It is to be presumed that he was. At any event he signed the bill two days after it passed. Is he, too, one of the famous family of the Galphins? Mr. Walker, his Secretary of the Treasury, paid the prin-

cial, but did not pay the interest, because, as he stated in his testimony, he did not have time to investigate that point. But, he said—and mark it—that whatever Galphin's *debt* was, this government, by the act of 1848, had assumed it fully. The act of Georgia of 1780, pledging to Galphin £9,791 15s. 5d., with interest at six per cent. per annum, was not before him. But who can say, with that act before him, he would not have paid the interest according to his testimony? For he said, whatever the *debt* was which was due to Galphin, the act of 1848 had assumed. And who can say that £9,791 15s. 5d., with six per cent. interest, was not due to Galphin by the act of Georgia of 1780? If any man is bold enough to do so, let him do it. My time will not permit me to discuss this subject at any greater length, and I trust the House will pardon this digression.

What I have said I have stated for the House and the country. The facts, as I have stated, are uncontroverted in the past, and will remain incontrovertible for all time to come, and I defy their controversion here or anywhere.

I am here to resist all party clamor that may be brought against this claim. I suppose that many of these expressions, such as "Galphins," by party heat, emanate from partisan feeling, and without any distinct or definite idea of what are meant by them. But I say that the character of every man should be defended by those who love truth and justice. The character of the humblest, alike with the character of the highest, shall, at all times, receive defence from me, when I can defend it. I care not if the name of wrongful accusers is legion, I will face them all, if necessary. I do not care to join with the shouting multitude barely because they are strong in numbers. I do not fancy the taste of those who play upon expressions because they catch the popular cant or whim of the day. It is an easy matter to pander to the passions or prejudices of the uninformed.

Sir, this is the "*facilis descensus Averni*," the downward road of the demagogue. It is easy to travel it, and, to some, it seems to be a pleasant jaunt; but to vindicate the truth, to stand up for the right against the majority, "*Hic labor, hoc opus est.*" I shall do it, or attempt to do it, sir, though I be a minority of one.

I have nothing to say, at this time, about the connection of the then Secretary of War with it. Mr. Crawford was interested in the claim, and was Secretary of War when the interest was paid—that is all. I will, however, ask, when the offer was made to have the justice and legality of the allowance referred to the Supreme Court of the United States, who prevented it? The Senate Journal will show.

Did they want to commit a fraud upon the Treasury? Was Mr. BUTLER, of South Carolina, Mr. ATCHISON, of Missouri, Mr. TURNEY, of Tennessee, and a number more whom I need not name, were they all Galphins? But I am done with this; and I am also

done with the matters alluded to in the report of the committee on the Gardiner case.

I have shown that the committee fully acquitted Mr. Corwin of the charge of being improperly connected with the claim, and that this bill has really no connection with the duty assigned to them.

This bill, with amendments, I intend to vote for; but I shall not vote for it as it is, because, under its provisions, any member might be put in the penitentiary for going down to the Pension Office and filing the memorial of any of his constituents for a bounty land warrant. With amendments which shall prevent members of Congress from attending to such business "for fee or reward," I shall vote for it. I am in favor of such a prohibition in future, not because there has been any thing dishonorable, disreputable, or corrupt, or "*malum in se*" in such acts, and not because I think that Messrs. Dallas, Webster, Benton, and Stanton, or Corwin, did any thing wrong in what I have stated, for I do not, but because I think that we should establish a rule for the future by which honorable men can act so as not to subject themselves to unjust imputations. The bill thus amended would, if even made retrospective, never touch any act of mine. But I make, however, no boast of that. I have never looked upon such acts in others as at all disreputable, much less as grounds of charging corruption. I think it wise and proper that such a regulation should be made. And why? Because honest, unimpeachable men, such, in my opinion, as Webster, and Corwin, and others acting in that capacity, may be a sort of cloak for those who may be unscrupulous and corrupt.

Mr. STEVENS, of Pennsylvania. As the gentleman intends to vote for the bill, which it is almost treason to say is an impeachment upon the whole House, I would inquire whether he intends to extend its provisions to prevent members from advocating cases before the Supreme Court of the United States; and if he does not, why does he make the distinction?

Mr. STEPHENS. I shall vote for that, but I do not know whether it will be incorporated with the bill or not. I will state candidly to the gentleman, as I did in a conversation on this matter with a distinguished gentleman yesterday, who said that he thought it proper not to extend the prohibition to the Supreme Court, that I think the prohibition should extend to members of Congress practicing in that court, as well as before boards of commissioners—and why? The impeaching power is with the House of Representatives, and the trying power with the Senate; and I ask what kind of influence would be more powerful than Congressional influence upon a judge who felt guilty, and knew that an impeachment was to be made? Would he not favor a distinguished member of Congress who was counsel in a case before him for trial, quite as much as a member of a board of commissioners? I will, if possible, vote for the extension of the provisions of this bill to the Supreme Court. If I cannot get that, I

shall vote for the bill in the best shape I can get it. I am for establishing a rule by which every one can regulate his conduct, and then right and wrong will not be left to the capricious judgment of friend or foe. Let it be written in the law, and then all can equally stand or fall by the law, and not the uncertain standard of men's opinions.

[In the progress of the debate Mr. STEPHENS having repeated his *belief*, from the disclosures, that the Gardiner claim was wholly unfounded, but that the matter was undergoing judicial investigation before the proper courts, Mr. JOHNSON, of Tennessee, inquired of him if the proof of its being a fabrication was not so conclusive as to cause the President to institute suits for the recovery of the money, and prosecutions for forgery and perjury, etc.; and whether Mr. STEPHENS would say that Mr. Corwin, if these cases should be decided against Gardiner, would repay what he had received from the treasury of the United States.]

Mr. STEPHENS. I will answer the gentleman. I admit that the President has done what he said, and it is a fact that he did it long before this clamor in the House was raised. The President had this man arrested under a suspicion that reached him, I think, long before the gentleman from Ohio [Mr. OLDS] moved in the matter. The President upon suspicion did it, and he did right; and this committee, of which the gentleman from Tennessee [Mr. JOHNSON] is a member, knows and reports that the President has been vigilant—and the papers in the report show that Mr. Corwin too has been active and vigilant in getting at the truth of the matter. I grant these facts, and I state them because the case is now pending, and is yet to be tried. The President has been vigilant, Mr. Corwin has been vigilant, and am I to be asked what he will do in anticipation of that judgment?

Mr. Gardiner, it is true, was put in prison. He has given bail; he has found sureties; he says that he will vindicate his character. Is Mr. Corwin, or any one else, to prejudge him? I never believed much in those Mexican claims when we went to war to get them; when we were told there were six or seven millions of them, that we ought to go to war to make Mexico pay them. I thought then that they were most of them nothing but batches of fraud. But I will do justice even to a Mexican claimant. I will not prejudge his case. Let him come into court. I, as a grand juror, say that I believe the suspicion is a strong one that his claim is a fraud. But he shall or should have his day in court before he is condemned. He claims the opportunity of vindicating himself, according to the laws of the country, and according to the treaty, and he should have it. My opinion is, that he will not do it. Mr. Corwin's opinion is, doubtless, that he will not do it. The President is of the opinion, I imagine, that he will not do it; and hence they institute these proceedings against him. But I will not crush even a worm; bad even as I believe Gardiner to be, I will not prejudge him, nor denounce Mr. Corwin in anticipation

of his act, depending upon a future judgment in court. Now, the gentleman says, suppose Gardiner shall be found guilty by this court, would I defend Mr. Corwin for holding this money? I do not consider that the evidence discloses that Corwin has received one dollar of this money from the treasury of the United States. The testimony is, that he did buy what he thought was a good title, and sold it without warranty, with a quit-claim. That is a matter between him and his assignee. Mr. Law, or some one under him, it seems, got Mr. Corwin's interest in it.

But my opinion is, that when the case in court is proven to be fraudulent, if it shall be so proven, that the same vigilance which arrested Gardiner ought to pursue every man who holds a portion of it; the one fourth stands on the same footing as the other three fourths. I have no reason to doubt that Mr. Corwin would be just as vigilant, and the President would be just as vigilant, in ferreting out the one as the other. I do not care in whose pocket it is to be found. How Mr. Corwin will act toward his assignee I do not know. Whether he will feel under obligation to make good what he sold without warranty or condition, I do not know. And it will be time enough to moot the propriety of his conduct in this matter after the case shall be found by the court to be fraudulent, if that shall ever be, and after George Law, or his assignees, who got the money, shall fail to respond.

SPEECH ON NEBRASKA AND KANSAS.

DELIVERED IN THE HOUSE OF REPRESENTATIVES,

FEBRUARY 17, 1854.

The House being in the Committee of the Whole on the state of the Union.

I WAS very anxious day before yesterday, Mr. Chairman, when the gentleman from Vermont, [Mr. MEACHAM,] and the gentleman from New York, upon my left, [Mr. FENTON,] addressed the House upon the subject of the Nebraska bill, to make some remarks upon the same subject in reply to them. I desired to do so at the time, but the opportunity was not afforded me. And though I have lost some of the ardor of feeling which the occasion then excited, yet I think it important that these positions should be answered, and it is for that purpose that I rise to address the committee to-day. I assure you I shall be as brief as possible.

The gentleman from Vermont, [Mr. MEACHAM,] if I understood the train of his argument, opposed the Nebraska bill, as presented to the House, mainly upon the ground that it declares the eighth section of the act of 1820, preparatory to the admis-

sion of Missouri into the Union as a State, inoperative, because it is inconsistent with the principles of the acts of 1850, known as the compromise of that year. This eighth section of the act of 1820 is that clause which, without any relation to the State of Missouri, prohibits slavery forever from all that part of the territory acquired by the Louisiana cession outside of Missouri north of $36^{\circ} 30'$ north latitude. The argument of the gentleman consisted of the following series of assumptions:

First, that that restriction or prohibition was in the nature of a compact, or contract, as he called it.

Secondly, that it had been continuously adhered to from that time to this.

Thirdly, that the measure now proposed would be a violation of that compact.

Fourthly, that this breach of good faith would be attended with disastrous consequences to the peace, quiet, and repose of the country.

This, sir, was the outline of his argument. Now I propose to take up these positions, and show to the House, if not to the gentleman himself, that in every particle they are untenable.

In the first place, I state that that eighth clause of the act preparatory to the admission of Missouri into the Union, restricting slavery north of $36^{\circ} 30'$, never was a compact. It never had any of the requisites or characteristics of a compact. A compact between whom? Between the North and South?

Mr. MEACHAM. I used the word "contract," not "compact."

Mr. STEPHENS. The gentleman from Vermont used the word "contract," as I said, but others have used the word "compact," and, in this connection, they both mean about the same thing. But what I was about to affirm is, that that "great Missouri compromise" which Mr. Clay proposed, and with which his fame is identified, had nothing to do with this restrictive clause of the act of 1820. That compromise [Mr. CLAY'S] was in the nature of a "compact." It was a "compact" between the general government and the State of Missouri. I am aware that the general opinion on this subject is very erroneous. This Mr. Clay fully explained in 1850. The common idea is, that Mr. Clay was the author of the prohibition of slavery north of $36^{\circ} 30'$. But such is not the fact. He did not even vote for it. That proposition came from a gentleman from Illinois. The compromise that Mr. Clay offered was afterwards. Its history is this: The people of Missouri, under the act of 6th March, 1820, went on and formed a State constitution, which contained a clause authorizing the legislature to pass a law to prevent the immigration of free negroes; and when application was made for admission as a State into the Union, Congress refused the admission, unless that clause should be expunged. It was then that Mr. Clay brought forward his measure. Here it is:

Resolution providing for the admission of Missouri into the Union on a certain condition.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Missouri shall be admitted into the Union on an equal footing with the original States, in all respects whatever, upon the fundamental condition that the fourth clause of the twenty-sixth section of the third article of the constitution, submitted on the part of the said State to Congress, shall never be construed to authorize the passage of any law, and that no law shall be passed in conformity thereto, by which any citizen of either of the States in this Union shall be excluded from the enjoyment of any of the privileges and immunities to which such citizen is entitled under the Constitution of the United States: Provided, That the Legislature of the said State, by solemn public act, shall declare the assent of the said State to the said fundamental condition, and transmit to the President of the United States, on or before the fourth Monday in November next, an authentic copy of the said act; upon the receipt whereof the President, by proclamation, shall announce the fact; whereupon, and without any further proceeding on the part of Congress, the admission of the said State into this Union shall be considered as complete.

JOHN W. TAYLOR,
Speaker of the House of Representatives.

JOHN GAILLARD,
President of the Senate, pro tempore.

Approved, March 2 1821.

JAMES MONROE.

This proposition, when submitted to the people of Missouri, and acceded to by them, as it was, may very properly be called a "compact." For there were parties to it—the general government on one side, and the people of Missouri on the other—both agreeing to it. But not so with the eighth section of the act referred to—there were no such parties to it—that was nothing but a law, with no greater sanction than any other statute that may give place to subsequent legislation. There was no compact about it. Missouri never gave her sanction to it. She could not have been any party to it. She had no right to the territory outside of her limits. She had no power or authority to make any compact concerning it.

But the gentleman argued as if he considered this eighth section of the act of 1820, fixing the line of $36^{\circ} 30'$, north of which slavery should be forever excluded, and which is commonly called the "Missouri compromise line," as a contract between the North and South, as the parties. How, then, stand the facts upon this point of view? How did this eighth section get into the bill of 1820? It was in this way—the North insisted upon a restriction against the admission of Missouri as a State, which required her to abolish slavery within her limits, as a condition precedent to her admission—the House passed a bill with such restriction—to which the South were in mass opposed. In the Senate, on motion by Mr. Thomas, of Illinois, that clause con-

maintaining a restriction on the State was stricken out, and this eighth section inserted in lieu of it. The South in mass were opposed to the State restriction, as I have said; but many of her members—a majority of two, I believe—voted for the substitute as the lesser evil of the two. In this way the substitute was carried as an amendment to the bill. This amendment was agreed to in the House by a vote of 134 to 42. Among these 42 noes are to be found the names of several of the most prominent men of the South. In this way this line of 36° 30' was incorporated in the bill of 1820, preparatory to the admission of Missouri as a State. And to this extent, and no other, can it be called a compromise, a contract, or compact. It was literally forced upon the South as a disagreeable alternative, by superior numbers, and in this way went upon your statute book as any other *law* passed by a majority of votes. So much, then, sir, for this "compact," or contract. Now let us see, in the second place, how it has been fulfilled or adhered to from that day to this.

The gentleman says it has been acquiesced in and conformed to for thirty years; and he asks, with much solemnity, if we are now about to violate and abrogate it? I have shown, sir, that the South was in no sense a party to this Congressional *restriction* north of 36° 30', except as a vanquished party, being outvoted on the direct question; protesting against it with all her might and power. Yet, sir, notwithstanding this, and notwithstanding a large majority of her people from that day to this, as I think I may safely affirm, have held that clause of the Missouri act to be unconstitutional, as it was based upon the principle of a division of the common territory between the free States and slave States of the Union, for the sake of peace and harmony, the South did patriotically yield, and was willing for all time to come to abide by it. I say *was*, because of *this* "Missouri compromise," and the principles upon which it was founded, it may now be said "*Illium fuit.*"

The issue I make with the gentleman upon this branch of his speech is, that this agreement or contract, as he argued it, between the North and the South as to the line of division between slave territory and free territory, has not remained undisturbed and inviolate for thirty years, as he affirms. It has been shamelessly disregarded by Congress repeatedly, and in principle was entirely superseded, as I shall show, by the principles established by your legislation in 1850.

But as much as the arrangement was originally obnoxious to the South, the charge of violation of it cannot justly be made against her. No, sir; no, sir; it was the North that refused to abide by her own bargain. This I affirm. Now let us see how the record stands upon the subject. The first time that this question came up afterward, was within twelve months from the date of the act itself and before the same Congress. It came up on the application of Missouri for admission, in pursuance of

the provisions of the very act that contains the "covenant." She had formed a State constitution in pursuance of it; she had violated none of its conditions. The whole South were for letting her be admitted, and the entire North nearly, were against it. Here is the vote rejecting her admission—the vote was 79 for it, and 93 against it—the North in mass, almost, against it. Why was this refusal? If they recognized the provisions of the act of March preceding as containing any section binding upon them in the nature of a "contract," or "compact," why did they refuse to fulfil it? The *pretext* assigned was, that the constitution of Missouri contained a clause empowering the legislature to pass a law to prevent the introduction of free persons of color, as I have stated. But this could have been nothing but a pretext, for at that very day Massachusetts had a similar law in actual force upon her statute book. The truth is, the North at that early day showed that she did not regard the provisions of the act of 1820 as at all obligatory upon them as any thing like a *compact*. The real objection to the final admission of Missouri as a State was, that slavery was tolerated within her limits by her constitution. It was the old question, which gave trouble before this "contract" of 1820 was made. It was then that Mr. Clay's compromise was adopted. Twelve months, therefore, had not passed before the North repudiated this compact by refusing Missouri admission without another compromise.

Well, the next time this question arose was on the admission of Arkansas into the Union in 1836. This State was formed out of a part of the Louisiana purchase south of 36° 30'. By the terms of the Missouri "contract," the gentleman from Vermont admits that she was to come in as a slave State. Did the North then so recognize and act upon these terms? The gentleman from New York [Mr. FENTON] said that this division line had been approved by the North for thirty years. If so, I ask him when or where? Did they raise no objection when Arkansas applied for admission? Let us see; here is the record.

Mr. John Quincy Adams, in this House, June 13, 1836, moved an amendment so as to make a section of the bill for the admission of that State read thus:

"And nothing in this act contained shall be construed as an assent by Congress to the *article in the constitution of the said State relating to slavery and to the emancipation of slaves,*" etc.

"Still harping on my daughter."

On a vote, the effect of which was to allow this amendment, there were eighty in favor of affording the opportunity. There were one hundred and nine on the opposite side, which prevented its being offered. Of these eighty votes, some were from the South. The object may have been to get a vote upon this distinct question of the recognition by the House of the line established in 1820. But after the amendment was ruled out on

the direct vote for the admission of Arkansas with a constitution tolerating slavery, though she was south of $36^{\circ} 30'$, there are fifty-two names under the lead of Mr. Adams, in the negative—every one of them, I believe, from the North—I have the journal before me. And amongst these names I see Heman Allen, Horace Everett, Hiland Hall, Henry F. Jones, and William Slade. The entire delegation from Vermont, and the gentleman's [Mr. MEACHAM'S] own predecessor upon this floor, or he who then represented a portion of the same constituency that that gentleman now does, recorded his vote against the admission of Arkansas. Did he or his colleagues have any other objection to it except that it was a slave State? If they regarded the line of $36^{\circ} 30'$ as a solemn covenant between the North and South, why did they not give it their sanction at that time?

The gentleman spoke of "honor"—

"I thank thee, Jew, for teaching me that word."

Where was the "honor" of the representatives of Vermont on that occasion? In whose keeping was it placed? I suppose in the hands of their constituents, of whom the gentleman was one. The representatives from the gentleman's own State did then unanimously—most *dishonorably*, if he chooses so to characterize their conduct—repudiate that "contract" which the South never offered to disturb, until it was totally abandoned by an overwhelming majority at the North, as I shall presently show. I have shown that it was disregarded within twelve months after it was made, and refused to be sanctioned by the representatives of the gentleman's own State in 1836, the first time it came up again.

I will now go on, and show the gentleman and the House, when it came up again, and when finally it was utterly repudiated by the almost entire North—

Mr. MEACHAM (interrupting). I would inquire of the gentleman if the senators from Vermont did not vote for it?

Mr. STEPHENS. For what?

Mr. MEACHAM. For the admission of Missouri.

Mr. STEPHENS. I am not speaking of the Senate, but of the House. I have none but the House records before me. I am dealing with members in this body, or those who preceded us here. If the gentleman desires, he can answer for his predecessors from the State of Vermont on this floor.

The next time any thing was said in our legislation about the "Missouri line of $36^{\circ} 30'$," was on the annexation of Texas. That measure was carried with that line in it, but not by northern votes. It was the South, still willing to abide it, that carried it then. There were one hundred and twenty-five northern votes given on that occasion. Of these, only fifty-one were for the annexation with this line established in it; while there were seventy-four—a large majority—who refused to give

it their sanction. I do not mean to say that all who voted against that measure were opposed to that line of settlement. Many of them had other reasons. And I know full well, for I was here, that of those fifty-one northern men who voted for it, many of them would not have voted for the recognition of that line if the question had come up by itself. But those resolutions of annexation were so presented that they had to be taken as a whole, or not at all. I allude to this vote, merely because it was the next time in order when the question came up, and the vote certainly *fails* to show that the North, or even a majority of them, gave it their sanction. For that reason only I allude to it.

I come down now to another step of our progress—to the period from the year 1847 to 1850. The gentleman from Vermont [Mr. MEACHAM] had a map for illustration, which he exhibited to us. He pointed out to us the boundary of the Louisiana purchase. It commenced at the mouth of the Sabine, ran up that river to the 32° of north latitude; thence due north to the Red river; thence up that river to the 100° of west longitude from Greenwich; thence due north to the Arkansas river, and up that river to the 42° of north latitude, and thence due west to the South seas or the Pacific ocean. By this map, and his demonstrations from it, it appears that we had a title ceded to us from France to territory extending to the Pacific ocean. Well, that of course included Oregon—that is, according to the gentleman's map, we derived title to Oregon under the cession from France in 1803, and that territory was part of the Louisiana purchase. Mr. Jefferson so considered it, and sent Lewis and Clarke to explore the country.

Well, then, how did the South act toward this "solemn compact," as it is now called—the line of 36° 30'—when we came to organize a territorial government for Oregon in 1847? The southern boundary was the 42° of north latitude, and of course the whole of it lay north of 36° 30'. At this time (in 1847) we were in a war with Mexico, and it was well understood to be the policy of the administration to acquire territory from that government, which, in all probability, would, to some extent, be south of the line 36° 30'. From the votes of the House, upon what was well known as the "Wilmot proviso," the South had just reasons to apprehend that it was the fixed determination of a majority of the North to disregard entirely what is now called the "sacred covenant of 1820." When, therefore, the bill to organize a territorial government for Oregon came up in this House on the 15th of January, 1847, Mr. Burt, of South Carolina, to take the sense of the North directly upon the question of *abiding* by this line of 36° 30', moved, as an amendment to that clause in the bill which excluded slavery forever from the territory, these words:

—"inasmuch as the whole of said territory lies north of 36° 30' north latitude, known as the line of the Missouri compromise."

The object of this amendment was to put a direct test to the North whether they intended to recognize the principle upon which the controversy on the subject of slavery in the territories was disposed of in 1820 or not. Sir, the North understood the question fully and clearly, and they met it promptly—their response was, that they did not. Here is the vote upon this question: there were in this House then 82 votes for Mr. Burt's amendment, and 113 against it! Of these noes, every man was from the North. Every southern man in the House voted for it. And of the 82 who voted to adhere to the principle of that adjustment, not as something too sacred to be touched, but for the sake of peace and quiet, there were, I believe, but six from the whole North—they were Douglas and Robert Smith, from Illinois; Cunningham and Parish, from Ohio; Charles J. Ingersoll, of Pennsylvania, and Hastings, of Iowa. Every man from Vermont and New York voted against it.

★ In the face of this record the gentleman from Vermont, [Mr. MEACHAM,] and the gentleman from New York, [Mr. FENTON,] in their places upon this floor, two days ago, declared that this "Missouri compromise" had met the approval of the North for thirty years. The South, in this instance, proposed it unanimously as a "peace offering," and it was almost as unanimously rejected by the North. "*Honor*," I think, the gentleman said. They rejected it over territory to which we derived title by the very cession alluded to in the act of 1820. And so thoroughly opposed were they to giving it their approval, and so bent upon its total abrogation, that they refused to affirm the principle when they got all by the affirmation. "*Honor!*" indeed! But sir, to proceed. This bill was defeated in the Senate, I believe. It did not become a law. The question came up again in 1848. Another bill was brought forward to establish a territorial government for Oregon. The Senate put in the following amendment:

"That the line of 36° 30' of north latitude, known as the Missouri compromise line, as defined by the eighth section of an act entitled 'An act to authorize the people of the Missouri territory to form a constitution and State government, and for the admission of such State into the Union, on an equal footing with the original States, and to prohibit slavery in certain territories,' approved March 6, 1820, be, and the same is hereby, declared to extend to the Pacific ocean; and the said eighth section, together with the compromise therein effected, is hereby revived, and declared to be in full force and binding for the future organization of the territories of the United States, in the same sense and with the same understanding with which it was originally adopted."

It came up for action in this House on the 11th of August, 1848. On the question to concur with the Senate in this amendment, the yeas were 82, and the nays 121. I have the vote before me. This was a proposition to *revive* and declare in force a provision which is now claimed to have been held all the time as a *sacred compact*—almost as sacred as the constitution itself; and

it was rejected by an overwhelming majority in this House—rejected, sir, by the North. The South was again unanimous for it. From the North at this time, I think, there were but four votes for it—Birdsall, from New York; Charles Brown, Charles J. Ingersoll, and Brodhead, from Pennsylvania. Here is the Journal. This proposition in the Senate was moved by Mr. Douglas. It received every southern vote in that body, and was opposed by every northern vote, except Douglas, Dickinson, Bright, Cameron, Hannegan, Sturgeon, and Fitzgerald. The vote on the adoption of it in that body was 33 to 21. Mr. Calhoun, who was well known to be opposed to the principle on which it was founded, gave it his support.

But upon the rejection of this amendment by the House, and a disagreement between the two Houses upon it, the amendment was lost, and the Oregon bill passed, and received the sanction of the President without this *recognition* of the Missouri compromise, but in the face of its open repudiation and abrogation by the North. This, sir, is the truth of history, and so let it be written. And with what sort of face can gentlemen, with these facts before them, rise up here and say that this compromise has been undisturbed and acquiesced in for thirty years? But, sir, there is still another chapter in this history.

At the close of the war with Mexico extensive territories, as was expected, were acquired—territories extending south as well as north of the line of 36° 30'—constituting a public domain of hundreds of thousands of square miles, purchased by the common blood and common treasure of the people of the South as well as the North. The policy of the advocates of the “Wilmot proviso,” from the beginning, had been to appropriate the whole of this immense region exclusively to the North. Hence their uniform hostility to the Missouri compromise, because that was founded upon the principle of division. Their determination was to have all. The South was still willing to divide, notwithstanding the policy which she ever advocated was to leave all the territories open for the occupancy and colonization of the people of the whole country, from whatever section they might emigrate, with the liberty of forming such institutions, upon a republican basis, as they might deem most conducive to their happiness, interest, and prosperity, without any congressional restriction or dictation whatever. This was always the doctrine maintained at the South. She was willing to divide, only as an alternative between that and a greater evil. To an entire exclusion, by act of Congress, she had made up her mind never to submit, let consequences be what they might. This was the state of things upon the assembling of the Thirty-first Congress. The events of that Congress are too recent and vivid upon the recollection of all to need a rehearsal. The majority of the North still proclaimed their determination to appropriate the whole of the public domain to themselves. Both sections stood in hostile array against each

other. The strife became so embittered and fierce that legislation was paralyzed, and every thing seemed to threaten confusion and anarchy. The South again repeatedly proposed a settlement upon the Missouri line. The proposition was made in this House, on the part of the South, for the last time, on the 13th day of June, 1850. It was in these words:

“*Provided, however, That it shall be no objection to the admission into the Union of any State which may hereafter be formed out of the territory lying south of the parallel of latitude of 36° 30', that the constitution of said State may authorize or establish African slavery therein.*”

This proposition was rejected in committee of the whole upon a count by tellers—ayes 78, noes 89. It was the last time, sir, it was ever offered. When the North had again, and again, and again, for three years, refused to abide by it, the South, driven to the wall upon it, was thrown back *upon her original rights under the constitution*. Her next position was, that territorial restriction by Congress should be *totally abandoned*, not only south of 36° 30', but north of that line too! Upon this ground she planted herself on the 15th day of June—the debates in this House on that day were more exciting, perhaps, than ever upon any day since the beginning of the government. It was upon that day I put the question directly to a distinguished gentleman then here from Ohio, [Mr. VINTON,] whether he would vote for the admission of any slave State into the Union, and he refused to say that he would. The determination, as manifested by the votes of the majority of the North, was to apply legislative restriction over the whole of the common territory, in open and shameless disregard of the principles of the so-called Missouri compromise, notwithstanding the gentleman from Vermont says that it has been adhered to and held inviolate for thirty years. It was on that day, sir, that a distinguished colleague of mine, [Mr. TOOMBS,] then on this floor, now in the other wing of the Capitol, made that speech which has become somewhat famous in our State, in which he said, with eloquence seldom heard within these walls:

“We do not oppose California on account of the anti-slavery clause in her constitution. It was her right, and I am not even prepared to say that she acted unwisely in its exercise—that is her business; but I stand upon the great principle that the South has a right to an equal participation in the territories of the United States.”

* * * * *

“Deprive us of this right and appropriate this common property to yourselves—it is then your government, not mine. Then I am its enemy; and I will then, if I can, bring my children and my constituents to the altar of liberty, and, like Hamilcar, I would swear them to eternal hostility to your foul domination. Give us our just rights, and we are ready, as ever heretofore, to stand by the Union, every part of it, and its every interest; refuse it, and, for one, I will strike for independence.”

It was then, when the North had refused all compromise, and went into the contest for "the whole or none," that the South took up the gauge, planted herself upon her original ground, armed, as she conceived, in the panoply of truth; and her representatives boldly meeting those arrayed, not only against her rights, but a great principle of free government, face to face, said:

"Lay on, Macduff;

And damn'd be he that first cries, Hold, enough!"

The grounds she then took were, that there should be no settlement of this territorial controversy, but upon the recognition of her original principles, which were, that all congressional restrictions upon this subject were wrong, and should be totally abandoned. This was the basis of her *ultimatum*, as then proclaimed. It was offered in this House on the 15th day of June, 1850. No decision was had on it. It was offered two days after in the Senate to the then pending compromise bill in the Senate. This proposition was in these words:

"And when the said territory, or any portion of the same, shall be admitted as a State, it shall be received into the Union with or without slavery, as their constitution may prescribe at the time of admission."

The whole question of slavery or no slavery was to be left to the determination of the people of the territories, whether north or south of $36^{\circ} 30'$, or any other line. The question was to be taken out of Congress, where it had been improperly thrust from the beginning, and to be left to the people concerned in the matter to decide for themselves. This, I say, was the position originally held by the South, when the Missouri restriction was at first proposed. The principle upon which that position rests lies at the very foundation of all our republican institutions; it is that the citizens of every distinct and separate community or State should have the right to govern themselves in their domestic matters as they please, and that they should be free from intermeddling restrictions and arbitrary dictation on such matters, from any other power or government in which they have no voice. It was out of a violation of this very principle, to a great extent, that the war of the Revolution sprung. The South was always on the republican side of this question, while the North—no; or, at least, I will not say the entire North, for there have always been some of them with the South on this question; but I will say, while a *majority* of the North, under the *free-soil* lead of that section, up to the settlement of the contest in 1850—were on the opposite side.

The doctrine of the *restrictionists* or free-soilers, or those who hold that Congress ought to impose their arbitrary mandates upon the people of the territories in this particular, whether the people be willing or unwilling, is the doctrine of Lord North and his adherents in the British Parliament toward the colonies during his administration. He and they claimed the right to

govern the colonies "in all cases whatsoever," notwithstanding the want of representation on their part. The doctrine of the South upon this question has been, and is, the doctrine of the whigs in 1775 and 1776. It involves the principle that the citizens of every community should have a voice in their government. This was the doctrine of the people of Boston in 1775, when the response was made throughout the colonies, "The cause of Boston is the cause of us all." And if there be any here now who call themselves whigs arrayed against this great principle of republican government, I will do toward them as Burke did in England; I will appeal from "the *new* to the *old* whigs."

I say nothing of the constitutional view of the question. When I have been asked if Congress does not possess the power to impose restrictions or to pass the "Wilmot proviso," I have waived that issue; I never discuss it. On that point I have told my constituents, and I tell you, I treat it as Chatham treated it in the British Parliament, when the question of power to tax the colonies without representation was raised there. That question Chatham would not discuss; but he told those who were so unjustly exercising it, that if he were an American he would resist it. The question of power is not the question; the question is, is it right thus to exercise it? Is it consistent with representative republican government to do it? That is the question. Where do you new latter-day whigs from the North stand on this question? Will you take the side of Lord North and the British tories, and maintain that it is the duty of this great government, with its superior wisdom, to legislate for the freemen of this country, as free-born as yourselves, who quit your State jurisdictions and seek new homes in the West?

And where do you, calling yourselves democrats from the North, stand upon this great question of popular rights? Do you consider it democratic to exercise the high prerogative of stifling the voice of the adventurous pioneer and restricting his suffrage in a matter concerning his own interest, happiness, and government, which he is much more capable of deciding than you are? As for myself and the friends of the Nebraska bill, we think that our fellow-citizens who go to the frontier, penetrate the wilderness, cut down the forests, till the soil, erect school-houses and churches, extend civilization, and lay the foundation of future States and empires, do not lose by their change of place, in hope of *bettering* their condition, either their capacity for self-government or their just rights to exercise it, conformably to the constitution of the United States.

We of the South are willing that they should exercise it upon the subject of the condition of the African race amongst them, as well as upon other questions of domestic policy. If they see fit to let them hold the same relation to the white race which they do in the southern States, from the conviction that it is better for both races that they should, let them do it. If they see fit to place them

Justice

Lower Freedom

on the same footing they occupy in the northern States, that is, without the rights of a citizen or the protection of a master, outcasts from society, in worse condition than Cain, who, though sent forth as a vagabond, yet had a mark upon him that no man should hurt him—I say, if they choose to put this unfortunate race on that footing, let them do it. That is a matter that we believe the people there can determine for themselves better than we can for them. We do not ask you to force southern institutions or our form of civil polity upon them; but to let the free emigrants to our vast public domain, in every part and parcel of it, settle this question for themselves, with all the experience, intelligence, virtue, and patriotism they may carry with them. This, sir, is our position. It is, as I have said, the original position of the South. It is the position she was thrown back upon in June, 1850. It rests upon that truly national and American principle set forth in the amendment offered in the Senate on the 17th of June, which I have stated; and it was upon the adoption of this principle that that most exciting and alarming controversy was adjusted. This was the turning point; upon it every thing depended, so far as that compromise was concerned.

I well recollect the intensity of interest felt upon the fate of that proposition in the Senate. Upon its rejection in the then state of the public mind depended consequences which no human forecast could see or estimate. The interest was enhanced from the great uncertainty and doubt as to the result of the vote. Several northern senators, who had before yielded the question of positive restriction—that is, the “Wilmot Proviso”—had given no indication of how they would act upon this clear declaration that the people of the territories might, in the formation of their State constitutions, determine this question for themselves. Among these was Mr. Webster. Just before the question was put, and while anxiety was producing its most torturing effects, this most renowned statesman from New England arose to address the Senate. An immense crowd was in attendance. The lobby, as well as the galleries, were full. All eyes were instantly turned toward him, and all ears eager to catch every word that should fall from his lips upon this, the most important question, perhaps, which had ever been decided by an American Senate. His own vote, even, might turn the scale. That speech I now have before me. In it he declared himself for the amendment. His conclusion was in these words:

“Sir, my object is peace—my object is reconciliation. My purpose is not to make up a case for the North, or to make up a case for the South. My object is not to continue useless and irritating controversies. I am against agitators North and South; I am against local ideas North and South, and against all narrow and local contests. I am an American, and I know no locality in America. That is my country. My heart, my sentiments, my judgment, demand of me that I should pursue such a course as shall promote the good, and the harmony, and the union of the whole country. This I shall do, God willing, to the end of the chapter.”

The reporter says:

["The honorable Senator resumed his seat amidst the general applause from the gallery."]

Yes, sir; he did. I was there, and witnessed the scene; and no one, I fancy, who was there, can ever forget that scene. Every heart beat easier. The friends of the measure felt that it was safe. The vote was taken—the amendment was adopted. The result was soon communicated from the galleries, and, finding its way through every passage and outlet to the rotunda, was received with exultation by the crowd there; with quick steps it was borne through the city; and in less than five minutes, perhaps, the electric wires were trembling with the gladsome news to the remotest parts of the country. It was news well calculated to make a nation leap with joy, as it did, because it was the first step taken toward the establishment of that great principle upon which this territorial question was disposed of, adjusted, and settled in 1850. It was a new step in our governmental history. From the beginning, nothing had been the cause or source of so much sectional feeling and strife as this question of slavery in the territories—a question so nearly allied in principle to the old controversy between the colonies and the mother country.

With the colonies the question was not so much the amount of taxation; it was not the small duty on tea—that was far from being oppressive—but it was the *principle* on which it was placed; it was the principle asserted and maintained in the "*preamble*," that our forefathers resisted by arms. And Mr. Webster well said, on some occasion, that the American Revolution was "fought against a preamble." That preamble asserted the right, or power, of the home government to govern the colonies in all cases. It was against that principle the war was commenced.

The cause of right in which the men of '76 engaged, was vindicated in the success of the revolution and the disruption of the British empire. And, as a coincidence worthy to be noted, it so happened that this kindred principle of the proper and just rights of the people of our territories, or colonies, made its first step toward ultimate success on the anniversary of the battle of Bunker Hill. It was on the ever memorable 17th day of June. It was on that day (1775) the blow was struck, by the colonists at Boston, against the unwise, unjust, and arbitrary policy of Lord North. And it was on the same day, just seventy-five years after, that the unwise, unjust, and arbitrary policy, to say no more of it, of this general government—attempting to compel the people of our territories to adopt such institutions as may please a majority of Congress, without consulting the rights, interests, or wishes of those immediately concerned—was, for the first time, abandoned by the American Senate *without a blow*. It is fortunate for us, and fortunate for millions that shall come after us, that it was abandoned without a blow. Had the restrictionists of this country held out as Lord North's ministry did in their policy, it might

have ended in consequences most disastrous to our common well-being, and the hopes of mankind. But they did not. The power of truth prevailed. Patriotism trampled over faction. And as soon as this great American principle—I so call it because it lies at the foundation of all our republican institutions—was vindicated in the Senate, the House did not again resume the subject. We waited until the bills came from the Senate. The same provision as that I have read was put in the New Mexico bill. That swept away the restriction that had been put in the Texas annexation resolutions over all that part of Texas lying north of $36^{\circ} 30'$, included in the present territory of New Mexico. The House took up these bills, after they were passed by the Senate with these amendments, with this new principle incorporated in them, and gave them their sanction.

This, sir, is what is called the compromise of 1850, so far as this territorial question is concerned. It was adopted after the policy of dividing territory between the two sections, North and South, was wholly abandoned, discarded, and spurned by the North. It was based upon the truly republican and national policy of taking this disturbing element out of Congress, and leaving the whole question of slavery in the territories to the people, there to settle it for themselves. And it is in vindication of that *new principle*—then established for the first time in the history of our government—in the year 1850, the middle of the nineteenth century—that we, the friends of the Nebraska bill, whether from the North or South, now call upon this House and the country to carry out in good faith, and give effect to the spirit and intent of those important measures of territorial legislation. The principle of those territorial acts was utterly inconsistent with every thing like Congressional restriction. This is what we wish to declare. And this principle, carried out in good faith, necessarily renders all antecedent legislation inconsistent with it inoperative and void. This, also, we propose to declare.

The restriction imposed by the eighth section of the act of 1820—thrown into that act out of place and without any legitimate connection with it, like a fifth wheel to a wagon—is just such antecedent legislation. The principle on which it was based has been abandoned, totally abandoned, as I have shown, by those who now contend for it, and superseded by another, a later, a better, and a much more national and republican one. We do not propose to repeal “any compact,” or to violate faith in any sense—we only invoke you to stand upon the territorial principle established by what is known as the compromise of 1850. That has already received the sanction of an overwhelming majority of the American people, as I doubt not it always will receive when fairly presented. I have seen it suggested, that if a proposition should be made to extend the provisions of this bill to the guarantee to the South in the Texas annexation resolutions for the admission of slave States from Texas south of $36^{\circ} 30'$, that such proposition would certainly

defeat it. By no means, sir; those who reason thus show nothing so clearly as how little they understand the real merits of the question.

That guarantee, secured in the Texas resolutions, so far as the character of the institutions of such States, hereafter to be formed, is concerned—that is, whether they be slave or free—is, itself, in perfect accordance with the present provisions of this bill. That guarantee was not that those new States should be slave States, but that the people there might do as they please upon the subject. The reason that the guarantee was important, at the time, was, because the policy of Congressional *restriction* had not then been abandoned. The South never asked any discrimination in her favor from your hands. All that the South secured by those resolutions, so far as the character of the States is concerned, was, simply, that they should be admitted at a proper time, “either with or without slavery,” as the people may determine. As to the number of States, that is a different question. So that if you should repeal that so called guarantee for *slave* States, by extending this bill to that country, you would only erase to fill again, with the same words. We ask no discrimination in our favor. And all we ask of you men of the North is, that you make none in your own. And, why should you? Why should you even have the desire to do it? Why should you not be willing to remove this question forever from Congress, and leave it to the people of the territories, according to the compromise of 1850? You have greatly the advantage of us in population. The white population of the United States is now over twenty millions. Of this number, the free States have more than two to one, compared with the South. There are only a little over three millions of slaves.

If immigration into the territories, then, should be assumed to go on in the ratio of population, we must suppose that there would be near seven white persons to one slave at least; and of these seven, two from the free States to one from the South. This is without taking into the estimation the immense foreign immigration. With such an advantage are you afraid to trust this question with your own people?—men reared under the influence of your own boasted superior institutions? With all the prejudices of birth and education against us, are you afraid to let them judge for themselves? Are your “*free-born*” sons, who never “breathed the tainted air of slavery,” such *nincompoops* that they cannot be “trusted out without their mothers’ leave?” It must be so, or else another inference is legitimate and clear; and that is, that notwithstanding all your denunciations of the “hated and accursed institution,” you have an inward consciousness that it is not so bad after all, and that the only way you can keep wise, intelligent, and Christian men, even from New England itself, from adopting it, is to set yourselves up as self-constituted guardians and law-makers for them. I consider your policy and the tenacity with which you hold to it, as the fullest and amplest vindication of the

institutions of the South against all your misrepresentations, abuse, and billingsgate about them.

I think, sir, I have shown conclusively that the line of $36^{\circ} 30'$, known as the Missouri compromise line, never was a "compact," in any proper sense of that term. And even if it was that it has been disregarded, broken, and trampled under foot by the parties who have lately so signalized themselves as its champions and defenders. I have shown, that while the South was opposed to the policy by which it was adopted, and took it as a disagreeable alternative, yet she never offered to disturb it, but was willing to abide by it for the sake of peace and harmony. I have shown, also, that the present measure is no "*breach of faith*," but that its object is to carry out and give effect to the great territorial principle established in 1850.

It remains for me now to say something upon the last part of the speech of the gentleman from Vermont; and that is, the great excitement that this measure is likely to produce. The country was in peace and quiet, says the gentleman, until this bill was introduced. Well, sir, who raises any excitement now? Whence does the opposition come? And what are the reasons for it? The North, it is said, is to be excited. And excited about what? Why, because Congress, when this bill passes, will have recognized the territorial principle established in 1850, and declared all antecedent legislation over the territories of Kansas and Nebraska inconsistent with that principle inoperative and void. And what is the harm or mischief to be done? Why, nothing, but extending to the freeman of Kansas and Nebraska that privilege which ought to be the birthright of every American citizen—to have a voice in forming the institutions, and passing the laws under which he is to live. That is all. Who, then, is to be agitated at this monstrous outrage? Why, nobody but those who wish to impose an unjust restriction upon a freeman's franchise; nobody but those who deny to a portion of their fellow-citizens a fitness or capacity for republican government. Nobody but those who would maintain the same policy on the part of the general government toward the people of the territories which Lord North and his tory confederates, on the part of England, held toward the colonies. That there may be, and that there are, some such bodies, I do not doubt. But who are they, and what is their force? They are nothing but the fragments of the old "Wilmot proviso," "Free-Soil," and "Abolition Phalanx," attempting to rally their broken and routed columns by this hypocritical cry about the sacredness of compacts.

Whoever expected to see the *New York Tribune* and the *Evening Post*, and such newspapers, pouring forth their invocations in behalf of the "sanctity of the Missouri compromise?" The men who thus cry aloud now are the very same who denounced every man at the North who voted to maintain that line, while the question was open, as a "dough face" and "traitor." They thought then that they had the world in a swing, and would have every

thing their own way; not satisfied to have "the Wilmot" fixed upon all territory north of 36° 30', they determined to have it fixed upon the whole of the public domain. With this spirit they went into the contest. And so far from getting it fixed where it was not, they came out of the contest with the establishment of a *principle*, which took it off where it was fixed before. Like the man that failed properly to use his talent, they had taken away from them "even that which they had." They went a "wooling," and came back thoroughly "fleece'd" themselves—hence their desperation. That such men may rail, and rave, and rage, may be expected. Let them rage on. Had they, and men of like opinions before them, never thrust their unjust and anti-republican territorial policy in the halls of Congress, there never would have been sectional strife within these walls. Whatever of party conflicts we might have had growing out of questions of legislation for so vast a country as ours is, with all its complicated and diversified interests, we should have been saved from this lamentable quarrelling about *State institutions*, which threatened such fearful consequences in 1850.

But, sir, we are told that discord once reigned in heaven. The evil spirit of pride and ambition, craving powers and prerogatives not proper or legitimate, entered the breasts of those admitted even to the presence of the Most High; jealousy, envy, and hate produced not only words, but blows, between archangels ministering round his throne.

"Long time in even scale
The battle hung."

These unholy conflicts, so unsuited to that place, were never composed until Heaven's First-Born, clothed in the majesty of divine power, arose and hurled the factious hosts from the empyrean battlements to the bottomless pit below.

"Nine days they fell; confounded chaos roared,
And felt tenfold confusion, in their fall,
Through his wild Anarchy: so huge a rout
Encumber'd him with ruin. Hell, at last,
Yawning, received them whole, and on them closed:
Hell, their fit habitation, fraught with fire
Unquenchable, the house of woe and pain.
Disburden'd Heaven rejoiced, and soon repaired
Her mural breach, returning whence it rolled."

From that profound deep, below which there was no lower deep, they still sent up much cursing, wailing, howling, and hissing.

So, sir in these halls, sacred to national purposes, and those objects for which the government was formed, we have had peace-destroying feuds and unseemly conflicts engendered and instigated by the fell demon of "Restriction," or "Wilmot proviso," which once stalked with insolent brow, in our very midst. These

scenes lasted until the Genius of our country rose in its might, on the 17th of June, 1850, armed with the great American principle of self-government, which had borne our fathers through the struggle of the revolution, and drove the hideous monster, with all his impious crew, from the Capitol—cast them out and hurled them downward to that low deep from which their plaintive howls now ascend.

These convocations at the Tabernacle and at Chicago and elsewhere—the ravings of the infidel preacher, Theodore Parker, and all his weaker followers—are but the repetition of the pandemonium scenes; there consultations were held, and grave debate had, how the banished fiends should regain their lost estate, “Whether by open war or covert guile.” These manifestations may be expected. We have had them before—yea, and much more violent, too. When the compromise of 1850 was passed, these same men declared open war against its provisions. “Repeal!” “Repeal!” was blazoned upon their banners; mobs were got up in Boston, in Syracuse, and at Christiana; blood was shed by these resisters of the law. The spirit of the North was appealed to in fanatic accents. That spirit answered in prompt and patriotic tones of popular reprobation at the ballot-box, just as it will do again. These threats of what will be the fate of, and “political graves” of, northern men who vote for this bill, can fright nobody but old women and timid children. They are worse than ghost stories—we have heard them before.

I recollect well with what eloquence a gentleman from Ohio [Mr. Root] some years ago, in this House, spoke of the deep degradation that awaited every man at the North who should dare to vote against the Wilmot proviso. No patronage of the government could save him; no land office, ever so remote, could keep him from being hunted down, ferreted out, and held up to the just scorn of an indignant constituency. But his prophetic warning came far short of becoming history. Northern men did abandon the proviso. In doing so they acted wisely, justly, nobly, and patriotically; and so far from digging their political graves by the act, they have but planted themselves deeper and firmer in the hearts, love, affection, and admiration of their countrymen.

The same “scare-crow” was held up to northern men who occupied national ground on the admission of Missouri. It was said then that they would find “their graves” in the ground where they stood. And some pretend now to say that such was the fact. But in the record I have before me, I see, among the very few from the North who did then stand up for the right against the huge clamor that was raised against them, the names of Baldwin, from Pennsylvania; Holmes, of Massachusetts; and Storrs, of New York; and Southard, of New Jersey. Where did Southard find his grave? Mr. Baldwin was afterwards one of the judges of the Supreme Court of the United States. Mr. Holmes, when Maine was admitted as a State, was elected to the Senate,

and held that highly honorable post, for aught I know, as long as he wanted it.

Mr. Storrs, who was a man of great talents, never lost the confidence of his constituents. Had he not been cut down by death at an early age, he might, and most probably would, have attained the highest honors of the country, not excepting the chief magistracy itself. These statesmen found "political graves" where many of those who now rail so fiercely would, doubtless, be very willing to find theirs. But of those who espoused the side of the *restrictionists* at that time I do not see the name of a single man who ever attained high political distinction in this country. Their very memories, in most instances, have passed away, and their "graves," if they have any, would be about as hard to find as that "of Moses in the wilderness."

So much, then, for these threats. They are but the "ravings," and "howlings," and "hissings" of the beaten and routed ranks of the factionists and malcontents. They are the wailings of the politically condemned, coming up from the bottom of that deep pit where they have been hurled by a patriotic people for the good, the peace, quiet, and harmony of the whole country. We need not expect to silence them—the friends and advocates of the compromise of 1850 did not expect or look for that at the time. That would have been a forlorn hope; and though many of the enemies of the compromise, of the North, who were beaten in the great battle of 1852, have since seemingly surrendered and begged for quarters, pretending to be ready to acquiesce, I must be permitted to say on this occasion, without any wish to push myself in the New York contest, I have very little confidence in the integrity of their professions. They fought the compromise as long as there was any prospect of making any thing by fighting it. When whipped, routed, and beaten, then, like craven and mercenary captives, they turned to power, to see if any thing could be made there by subserviency and sycophancy. I have no faith in their conversion—never have had any. Warmed into life again by the genial rays of executive patronage, I have always thought, and still think, that they will only become the more formidable whenever the occasion offers for their real principles to manifest themselves. Hydrophobia can never be cured—it will break out on the changes of the moon. And so with the disease of *negro-mania*. Sir, the viper will hiss and even sting the bosom that nurtures and fosters it. Whether I am right in this anticipation, or whether this administration is right in its present policy, we shall see.

But we who stood by the compromise of 1850, and intend to stand by it now, and carry it out in good faith, are not to be moved by any clamor got up by its old enemies; nor are we to be shaken in our purpose by any mistaken appeals in behalf of the "sanctity of compacts," coming from a source even as respectable as that of the *National Intelligencer*. That paper, in a late article,

seems to consider the line of $36^{\circ} 30'$ almost as binding as the constitution—the bare “suggestion” for a departure from which should arouse the friends of the constitution everywhere. If so, why did not that paper raise the alarm in 1836, when Mr. Adams, in this House, backed by fifty-two northern votes, made something more than “a suggestion” to depart from it?

In 1845, when a majority of the North voted against the annexation of Texas with this line in it, why was not its voice again raised? In 1847 and 1848, when it was completely set at naught and trampled upon by the North, as I have shown, why was it not then raised? Then the contest was fierce and hot between those who stood by that line and those who were for its total obliteration. For three long years when this contest raged, why did the *Intelligencer* never say one word in behalf of its maintenance and preservation? That was certainly the time for any one who regarded it as imbued with “sanctity” and “sacredness” to speak. It is too late now. The old *principle* in our territorial policy has passed away, and we have in its stead a new one. We are not, therefore, to be shaken in our purpose to carry out this new principle by any such clamor or appeals. Our purpose is fixed, and our course is onward. What little agitation may be got up in Congress, or out of it, while this debate lasts, will speedily subside, as soon as this new principle is once more vindicated. Why do you hear no more wrangling here about slavery and freedom in Utah and New Mexico? Because by this new principle, the irritating cause was cast out of Congress, and turned over to the people, who are most capable of disposing of it for themselves. Pass this bill—the sooner the better—and the same result will ensue. This shows the wisdom and statesmanship of those by whom this principle was adopted as our settled policy on this subject in 1850. A cinder in the eye will irritate and inflame it, until you get it out; a thorn in the flesh will do the same thing. The best remedy is to remove it immediately. That is just what the compromise of 1850 proposes to do with this slavery question in the territories whenever it arises. Cast it out of Congress, and leave it to the people, to whom it very properly and rightfully belongs.

In behalf of this *principle*, Mr. Chairman, I would to-day address this House, not as partisans—neither as whigs or democrats, but as Americans. I do not know what you call me, or how you class me, whether as whig or democrat, in your political vocabulary, nor do I care. Principles should characterize parties, and not names. I call myself a republican, and I would invoke you, one and all, to come up and sustain this great republican American policy, established in 1850, for the permanent peace, progress, and glory of our common country. If any of you are convinced of its propriety and correctness, but are afraid that your constituents are not equally convinced, follow the example of Mr. Webster, after his 7th of March speech, when

the doors of Faneuil Hall were closed against him. Meet your constituents, if need be in the open air, and, face to face, tell them they are wrong, and you are right. I think, sir, that great man, on no occasion of his life, ever appeared to greater advantage in the display of those moral qualities which mark those entitled to lasting fame, than he did in the speech he made in an open barouche before the Revere House, in Boston, to three thousand people who had assembled to hear what reason he had to give for his course in the Senate. He stood as Burke before the people of Bristol, or as Aristides before the people of Athens, when he told them above all things to be "just." In that speech Mr. Webster told the people of Boston, You have conquered an inhospitable climate; you have conquered a sterile and barren soil; you have conquered the ocean that washes your shores; you have fought your way to the respect and esteem of mankind, but you have yet to "conquer your prejudices. That was indeed speaking *"vera pro gratis."* And that was a scene for the painter or sculptor to perpetuate the man in the exhibition of his noblest qualities far more worthy than the occasion of his reply to Mr. Hayne, or his great 7th of March speech. Imitate his example—never lose the consciousness that "*Truth* is mighty and will ultimately prevail." The great "truth" as to the right principle of disposing of this slavery question in the territories, was first proclaimed by the Congress of the United States in 1850. It was as oil upon the waters. It gave quiet and repose to a distracted country. Let it be the pride of us all in this Congress to re-affirm the principle—make it co-extensive with your limits—inscribe it upon your banners—make it broad as your constitution—proclaim it everywhere, that the people of the common territories of the Union, wherever the flag floats, shall have the right to form such republican institutions as they please. Let this be our pride; and then with a common feeling in the memories and glories of the past, we can all, from every State, section, and territory, look with hopeful anticipations to that bright prospect in the future which beckons us on in our progress to a still higher degree of greatness, power, and renown.

SPEECH IN REPLY TO THE REMARKS OF MR. MACE,
OF INDIANA, ON GIVING NOTICE OF HIS INTEN-
TION TO INTRODUCE A BILL TO RESTORE THE
MISSOURI COMPROMISE.

DELIVERED IN THE HOUSE OF REPRESENTATIVES,

DECEMBER 14, 1854

MR. CHAIRMAN: In taking the floor on this occasion, it was not my purpose, nor is it my purpose now, to re-open or go into a discussion of the general merits of the Kansas-Nebraska bill which was passed at the last session of Congress. The gentleman from Indiana [Mr. MACE] came forward on yesterday, and, in a very formal manner, announced the determination, for the future, of the opponents to that measure. Repeal is their policy. Prohibition of slavery is again to be put upon Kansas and Nebraska. I considered the merits of the question as settled at the last session. I consider them as settled now. Revolution never goes backward—always forward. The argument in and out of Congress, and throughout the Union, on the great movement made by the National Legislature on this question, was then conclusive, and, by the passage of that bill we took a grand step in that progress which characterizes this age. There never will be any backward movement in this matter—at least in my opinion. I have no apprehensions on that score; and I repeat, that I do not rise for the purpose of opening, or again canvassing, the merits of the Nebraska-Kansas bill. But the gentleman from Indiana gave utterance to some remarks to which I deem some reply proper. He seemed to think and argue that the late elections at the North conclusively showed that the public sentiment there, by the late elections, had passed the sentence of public condemnation on the bill referred to, and demand its immediate repeal. He spoke of that as a fixed fact. The gentleman from Maine, [Mr. WASHBURN], who succeeded him in the discussion, indulged in the same line of argument. Now, I wish to state to these gentlemen, to this committee, and the country, that I draw no such inference from the late elections. It is true that the results were very astonishing to some, though not to me, and took many men, in and out of power, by surprise.

I ask the honorable gentleman from Indiana how he reaches the conclusion that these elections set the seal of the public condemnation upon the friends of the great movement of the last session? I believe, Mr. Chairman, that there was no man more zealous in his opposition to the bill then passed, not even excepting the gentleman from Indiana himself, than yourself, and you will pardon me, sir, the illustration. Even you, sir, from the city of brotherly love, are no longer returned to the seat which you have filled with so much ability, and in which you have voted with me on many questions of public policy—always excepting this partic-

ular measure. Now, I ask the gentleman from Indiana whether that is a proof that the people of Philadelphia agree with him and with you, Mr. Chairman? I might argue, following his line, that this, your defeat, was the seal of reprobation on your course. But, sir, the truth is, your course on that bill, I take it, had but little to do in your defeat one way or the other. Again, Mr. Chairman, my honorable friend from another district in Pennsylvania, who sits to my right, [Mr. HESTER,] with whom I had a conversation at the last session just previous to the passage of the bill, and who was quite as zealous in his opposition as you or the gentleman from Indiana, has also been defeated in the canvass for re-election. I do not recollect the majority against him. I have not attempted the *Herculaneum* excavating process of ascertaining the depths to which he has been buried in this popular irruption—the majority against him I do not know, but it was decided. The gentleman from the first district of Pennsylvania, [Mr. FLORENCE,] who voted and ardently supported the measure, has been re-elected. I also see that the gentleman from the Berks district, [Mr. JONES,] has been again returned. Another gentleman from Pennsylvania, [Mr. PACKER,] and an advocate of the Kansas-Nebraska bill, has been returned. In fine, I find that some who have voted for it and some who have voted against it have been returned to Congress. Why, sir, in Pennsylvania a gentleman ran for governor who was known to be opposed to the bill, and a gentleman ran for canal commissioner on the opposite ticket, and was known to be in favor of the measure. The opponent of the bill was elected by thirty-seven thousand majority, while its advocate was elected canal commissioner by, I believe, one hundred thousand majority. Now, what is to be legitimately inferred from this state of things? Certainly, not that the people of Pennsylvania had put their seal of reprobation on Nebraska. I should infer that the Nebraska question had nothing or very little to do with the election—it was an element only in the canvass. Now, when the gentleman wishes to appeal to the results of an election as evidence of any thing he must admit that the question claimed to be decided by it ought to be the sole, leading, and paramount question in the canvass. If such be the case, appeal can be made to the result. But when you find a Nebraska man elected canal commissioner of Pennsylvania by one hundred thousand majority, and an anti-Nebraska man elected governor by thirty-seven thousand majority, it simply shows that this question could have had very little to do with the results. How was it in Massachusetts? There is the honorable gentleman from that State, [Mr. GOODRICH,] who was alluded to yesterday in connection with the gentleman from Indiana, as associated with those who got up the Kansas and Nebraska Emigration Society. There is another, [Mr. ELIOT,] who came here and took the lead in favor of the repeal of the fugitive slave law; and the gentleman who sits immediately in my rear [Mr. WALLEY,] who was distinguished in his opposition

to the bill—all were zealous in their opposition to the bill, all were candidates for re-election, and all were left at home. All, sir, fell before the destroying angel which came in the night, and they knew not whence the blow came. It certainly did not come from the quarter to which the gentleman from Indiana alludes; for if the anti-Nebraskaites struck down such men as those to whom I have referred, they did not back their friends as we do ours down South.

Mr. Chairman, now let me turn to the State of Illinois. I allude to her with pleasure, for I believe there was not a single northern State where the principles of the Nebraska bill were so openly and widely promulgated and considered, and so fairly represented and met as in that State. The distinguished senator who had charge of the bill in the Senate, stood in the front of the battle, never giving ground, never yielding an inch, and the distinguished and gallant gentleman upon this floor [Mr. RICHARDSON] who had charge of it here, met the people of Illinois everywhere on its merits. If there is a State north which may be appealed to as one where there was any thing like a contest on the question, it was Illinois. And what was the result? There were but three men from that State who voted for the Nebraska bill, and now we have four Nebraska men from Illinois. It seems Nebraska gained strength by discussion there. We had but three men before, and now we have got four.

Mr. WASHBURNE, of Illinois. Will the gentleman tell me what the popular vote of Illinois was upon the Nebraska question?

Mr. STEPHENS. The only test of the popular vote in the entire State of Illinois that I know upon that question, was upon the State treasurer, and the Nebraska candidate carried it by a large majority—three thousand majority, I have heard. In Congress, Nebraska gained one member.

Mr. WASHBURNE. I must correct my friend from Georgia in regard to the fact of the vote in Illinois upon State treasurer. It is true that Mr. Moore, the Nebraska man, was elected, I have seen it stated, by about eighteen hundred majority. But it should be stated, in connection with that fact, that the man who ran against him—Mr. Miller—was not known in the southern part of the State as a candidate, and was not voted for at all in that part of the State.

Mr. STEPHENS. I suppose so! [Laughter.]

Mr. WASHBURNE. And I will say further, that if Mr. Miller had received his party vote in that part of the State where he was not known as a candidate, he would have been elected by some five or six thousand majority.

Mr. STEPHENS. Well, sir, I do not think the people of Illinois could have been exceedingly offended and outraged by this measure, if they did not take the trouble to have their candidates in opposition known. And yet, the gentleman from Illinois wants to have us believe that if they could only have had their candi-

dates known, they would have been elected by five or six thousand majority.

Mr. WASHBURNE. I will state to the gentleman that the candidate regularly nominated declined, and the other candidate was brought out only a short time before the election.

Mr. STEPHENS. Then I can only say that their candidate ran before the popular demonstration had got hold of him, [laughter;] and it only shows that the first candidate saw the handwriting upon the wall, and was more prudent than the last one. [Renewed laughter.]

Mr. RICHARDSON. With the permission of the gentleman from Georgia, I will make a single correction. My colleague states that Mr. Moore was elected treasurer of Illinois, because his opponent was not known as a candidate in the southern part of the State. Sir, the facts are against my colleague. It is true that in some of the southern counties he received but few votes; but it is also true, that in all the counties he received some, so that it was known that Mr. Miller was a candidate in all the counties in the State.

While I am up, I want to state the reason why the first candidate declined. He was nominated as the republican, fusion candidate, and was brought out by that party. And I hesitate not here to declare that if he had continued in the field he would have been beaten by more than ten thousand votes. But the candidate who was brought out at last was indorsed by all the leading whigs in the State, as a sound radical whig. He was run by the whigs and supported by the fusionists, which accounts for his receiving as heavy a vote as he did.

Mr. STEPHENS. Then the interruption of the gentleman on my left, [Mr. WASHBURNE,] after all, amounts to but very little. He says Moore was elected by eighteen hundred majority. That is quite enough for my purpose.

Mr. WASHBURNE. How much was Mr. Pierce's majority?

Mr. STEPHENS. It is not material to me what Mr. Pierce's majority was. The popular vote in Illinois, at the recent election, was in favor of sustaining the principle of the Nebraska bill. That is my point. I do not care whether the majority was eighteen hundred, or five thousand, or eighteen thousand. I am willing to take it at eighteen hundred. I heard it was three thousand. The gentleman has heard that it was eighteen hundred; but the difference is immaterial. It is given up that a majority was in favor of the principle of the Nebraska bill. So much for the popular condemnation there.

Now, then, take the State of New York—for I must be brief upon this point. There was but one candidate for governor in that State who was openly and avowedly in favor of the repeal of the Nebraska bill. I mean Mr. Clark. New York gave but few votes upon this floor, for the bill. I think it is generally conceded, that if there is any State in the Union that is particularly unsound

on this question, as gentlemen speak, it is New York. Well, sir, New York, with all its anti-slavery organizations; with its Syracuse convention, where every thing was done that could be done to rally the freemen of the North, as it was said; with its emigration society; with all this, how many votes did Mr. Clark get? Not more than one third of the votes of the State. Clark got one hundred and fifty-odd thousand votes; Seymour got some three hundred less—one hundred and fifty-odd thousand votes; and Ullman and Bronson, together, received about the same number, one hundred and fifty-odd thousand more. So that, in the great State of New York, where this question was made pre-eminently a test, in the recent election, not one third of the votes of the State were given for the anti-Nebraska candidate. And yet the late election in New York is held up as a popular demonstration in opposition to the principle of the Nebraska bill. Sir, no such conclusion can be drawn; and the same may be said in reference to the elections in Pennsylvania, in New Jersey, in Michigan, in Indiana; so far as furnishing any popular demonstration upon this subject, they amount to nothing. No person can draw any legitimate inference from them, in reference to this question. Some say it was the Know-Nothings; some say it was the temperance men; and some say it was the anti-Nebraskaites, that caused the defeat.

Sir, I am not prepared to say what it was that caused these, to some people, so strange results. I am inclined to think that the man down in North Carolina was about right when he said it was General Malcontent that caused it. Some were discontented because of the appointments of the President to office; some were discontented because it was improper to send such a man as Mr. Soulé to Madrid; some were discontented because it was wrong to send such a man as Mr. Belmont abroad; some were dissatisfied at the appointment of Mr. Vroom; some at Mr. Dix; some at the turning out of Bronson; some at the organization of the cabinet—some at one thing and some at another. Some said one thing and some another. There was general discontent and dissatisfaction—whether rightfully or wrongfully it is not my purpose now to discuss. But the administration had pursued such a course as to make a large party of malcontents—men bent upon breaking up things—this class, the North Carolina man calls the “Ramshackles;” the designation is a good one. Yes, sir, it was General Malcontent and the great party of the “Ramshackles” that triumphed at the North at the late elections, and not the anti-Nebraskaites.

But the gentleman from Indiana referred to the South. He said he wanted the members from the North to get on the same high stand that the representatives of the South occupied. I suppose he intended what he said in this connection as a compliment to the South, inasmuch as he wanted his people to occupy the same position; but, if I comprehend what he said, I do not receive it as a

compliment. He said that southern members upon this floor first ascertained the wishes, and then voted on all questions as their constituents wished—that they would stand by the interests of their constituents and represent their wishes. Sir, I say to the gentleman, that I think he is just as much mistaken in this as he was in reference to the popular elections of the North. I can speak, however, only for myself. It is not true that, in my course as a member of this House, I look solely to what my constituents wish. The first question that addresses itself to my mind is, whether any measure presented here is right? I send no letters home to know what they think there about it; I never have and never shall. I consult my own judgment and act accordingly. If I think a measure is right, that it is proper, that it is just, I vote for it; and if I do not, I vote against it. Upon the merits of every question I am responsible to my constituents; and when I go home to them, an intelligent and patriotic people, if they do not approve my conduct, they can send another in my place. Sir, I believe that this is the general position of southern men.

But the gentleman says that when southern men's measures are vetoed, they raise their voices in tones of thunder until they carry them. Sir, I do not believe there ever was a southern measure vetoed. I do not recollect one. The South has never asked any thing from your government that called for a veto. There is the difference between us. The South asks but few favors from you. It is a class of gentlemen from the North who ask aid from the government. Why, we never come here in that attitude. Let me ask the gentleman when any measure from the South was ever vetoed? when the South ever asked any thing that required the exercise of the veto power?

But the gentleman said that he admired the South, because "knowing their rights, they dared maintain them." That I take as a compliment. And now, what is his position? Why, the South "*knowing their rights*, and daring to maintain them," he would have the North to rise up and prevent her from getting her known and acknowledged rights! If we know our rights, and they *are* our rights, and we dare maintain them, why ought not the North, why ought not the gentleman—I will not say the North—to grant us our rights? Have we ever asked any thing but what was right? Now, I say, with all due respect to the gentleman, that the true position of the South is this: we "ask nothing but what is right, and we submit to nothing that is wrong." That is the position that the South has always occupied, as I remember her history.

Now, sir, upon the subject of internal improvements which the gentleman alluded to, has the South ever asked legislative aid in that particular? I do not speak now, sectionally, or against the North; but look at the whole history of our government. Who is it that is constantly appealing here for legislative aid and legislative patronage? Who ask for fishing bounties? Who ask for

protection to navigation? Why, the people of the South, if they were permitted to use or employ foreign vessels in their coast trade, would be greatly benefitted thereby. But American shipping must be protected, and who is it that asks that protection, not only on shipping, but almost every thing else? Who is it that wants a duty upon coal? Who upon iron? Who upon woollen goods? Who upon shoes, hats, leather, cotton fabrics—every thing? Why, it is the industrial interests of the North. We of the South, it is true, sometimes grumble and complain; but the great majority of the people of the South have yielded to what they consider in some instances very heavy exactions, for the support of government. But when did we ever come up and ask any aid from the government of the United States? The constant prayer of the South to you has been to stay your hands. All that we ask of you is, keep your hands out of our pockets. That is *all* that the South ask, and we do not get even that. It is true, sir, that in my own State we have asked some little favors, but very few. Some years ago we asked that you should take the obstructions out of the mouth of the Savannah river—not obstructions that nature put there, but that were put there during the revolutionary war, to keep out a foreign fleet—put there, not by the citizens of the State, but by public authority. It seems to us nothing but right and just that the general government should remove those obstructions; but we have asked in vain for that. The gentleman says that the representatives of the North come here and pass river and harbor bills, which are vetoed, and the wishes of their constituents are thereby defeated. Well, sir, we have some rivers in the South quite as navigable as those in Indiana; but when did Georgia, or South Carolina, or Virginia, or the South generally, come and ask Congress to clear out those rivers?

Now, Mr. Chairman, I am not going into a discussion of this question of internal improvements, or the constitutional power. I am going to address a plain, common-sense argument in reply to the gentleman from Indiana, who said that when the South asked any thing she got it, or that when a southern measure was vetoed, the South thundered and thundered upon this floor, until she got what she wanted, while northern measures were defeated by vetoes. I repeat, that a southern measure has *never* been vetoed. But how does the gentleman stand when he comes here and asks us, out of the public treasury, to clean out the rivers in his State? I will state here, in passing, that I believe Congress has the constitutional power to clean out harbors, and construct roads when it is necessary either for the collection of the public revenue, or for military purposes. I did what I could last Congress to get the improvement of Boston harbor, as well as of various other harbors that I believed to be necessary for the collection of the revenue. I was also in favor of removing the obstructions in the mouth of the Mississippi river. This is sufficient to show my general position on this subject. Now, a few words on the material

matter alluded to by the gentleman, the improvement of western rivers.

In the State of Georgia, we have never asked for any harbor improvements except for the removal of those obstructions at the mouth of the Savannah river, and we never got that, as I have stated. We have never asked the general government to clean out our rivers. But we have a country of hill and valley, and we have to get to market with out products—for we grow *some* things in Georgia for market, notwithstanding that, in the opinion of the gentleman from Indiana, we are a heaven-cursed, slavery-doomed land—we grow some products in Georgia, I say, for market, and how do we get them to market? Do we come here and ask aid of the general government? No, sir. Why, in my State, we have now upward of a thousand miles of railroad in full operation. How did we obtain it? We took our surplus capital, and with it we bought human labor, human energy, bone and sinew—we bought the strong arms of our own citizens, as well as of foreigners, to come and dig down the hills and fill up the valleys, and lay down the superstructure of our railroads—we bought the iron, when we could get it, in this country, and we went abroad for it when we could not get it here, and notwithstanding all that, when we brought our iron into the country, we had to pay duty upon it to the general government. Twenty millions of dollars have been spent in Georgia in constructing highways to our markets. That is the way we got our thousand miles of railroad. So far from coming here and receiving assistance from the government, we have actually had to pay a tax for the privilege of bringing our iron into the country. Georgia has paid not less than a million and a half of dollars as a duty on iron, into the treasury for the privilege of building her own works of internal improvement. Now, I would ask any candid man—I would ask the gentleman himself—if it is just, not only to tax Georgia for the privilege of constructing her highways, but then to take those very taxes that we have paid to open rivers in Indiana? It does not strike me that that is very just. I am speaking now to men of common sense. I am not talking of what you can constitutionally do. Is it not an unjust abuse of power to do it, even if you have the power?

The gentleman from Ohio [Mr. CAMPBELL] told us, the other day, what the “great West” would do. I have a great respect for the great West, and I will do every thing which I think right, and proper, and just, to develop the resources of that section of the country. I am willing, as I have said, to open the mouth of the Mississippi, because the State of Louisiana cannot do it, and to take the snags out of that great river. But when I am appealed to to clear out every little river, and open up every little harbor, and make works of improvement throughout the country, or in any section of it—I do not care which or what—barely because the people of such section want it, and send men here to ask and vote for it, I say it is unjust to dispose of the public money in any

such way, and I shall not do it. I ask every man now, who looks on these questions as he should, if it is not manifestly unjust?

Now, the gentleman [Mr. MACE] says, in speaking of the Missouri compromise, that, by the Missouri compromise, slavery had been prohibited north of $36^{\circ} 30'$, and that slavery was to exist south of $36^{\circ} 30'$. I wish to correct the gentleman. The South has never asked that slavery should be extended by this government anywhere, south or north. The Missouri compromise of 1820 never established such a principle—never. The act of 1820, by which Missouri was to have come into the Union, but never did, prohibited the existence of slavery north of $36^{\circ} 30'$; but it said nothing at all on the subject south of that line. The South never asked such a guarantee. The guarantee which the South has asked, and which has been established in the passage of the Nebraska bill, and which the South will never yield, was simply that the people on every foot of American soil, north or south, east or west, shall, when they come to form their State constitution, do as they please upon the question of African slavery, and shall come into the Union either with or without it, as they shall then determine for themselves. The South does not ask you that a slave State shall be admitted from Texas, unless the people there so determine. What we insisted on in the Texas annexation resolutions was, that the people there might be permitted to settle this matter for themselves. And this is all the guarantee we secured; all that we then asked; all that we asked in 1850; all that we asked in the Nebraska bill, and what we will ever maintain is, that the people in every organized community, in every territory, when they come to form their own institutions, shall do as they please in that respect, and come into the Union either with or without slavery, as they wish. I say, sir, that is the southern doctrine; and I say, also, that it is American doctrine. That is what I mean by national doctrine.

The gentleman [Mr. MACE] said yesterday he was a national man. National! Why, sir, he is against his own section. Not only is he against the South, but he is against his own people. According to his doctrine his own people cannot be trusted in the territories. He must be their guardian—a self-constituted protector. He says that members of Congress set up to be masters of their constituents, that they did not know what their constituents wanted, and that they came here last session to be their masters by voting for Nebraska against their wishes. No, sir, it is the gentleman himself who wants to be master. Of whom? Of his own fellow-citizens! He and the men who embrace his doctrine virtually say that when the people go from the North or South into a territory they become unfit to govern themselves. This is what the gentleman said about *masters*:

“The doctrine sought to be established now is this, that we come up here as the masters of the people, that we come here not bound to consult with them at all, and that we may pass laws which we know they will

disapprove of, and then call upon them, as loyal subjects, to acquiesce in our acts and cease their grumbling."

The gentleman says that that is what we do. I say to the gentleman, "thou art the man." That is exactly what you do. Why does he offer his bill to abolish slavery in Kansas and Nebraska? because he says the people there will have it if we do not. Why does he then propose to pass a law for them which he knows they will disapprove of, and then call on them as "loyal subjects to acquiesce in our acts, and cease their grumbling?" He says that when men go from Massachusetts, or from Indiana, or from Illinois, or from Ohio, or from Georgia, and get over into the territories, they shall not govern themselves as they please, but as we please. We, the Nebraska men, on the contrary, treat them as freemen, as our equals, and let them do as they please. Who, then, are the masters, or would-be masters? I say, sir, it is that class of men who set themselves up as the only safe guardians, protectors, and law-makers for men who have no choice in their election, and to whom they are in no way responsible. Oh, but the gentleman says, pass this bill, say, by law, that slavery never shall go into these territories, and then the people can do just as they please, just as they did in Iowa, and can form State constitutions against slavery, as Iowa did, and come into the Union as that State did. Why, sir, the gentleman's idea of liberty on the part of the people to do as they please is very much like a story that I heard told by the late Justice McKinley, of the Supreme Court. The incident occurred in Lexington, Kentucky, I believe. A member of Congress from that State had given very much dissatisfaction to his constituents by some vote; and they went through the form of burning him in effigy. Accordingly they got up a torch-light procession to march to his house, and as they were going along with a great deal of "noise and some confusion," some person on the side-walk, not partaking of the feelings of the crowd, but believing it to be an outrage rather, whispered this opinion to a man next to him. One of the rowdies in the procession, who overheard the remark, stepped up and said to him, "What is that you say? You think that this is a great outrage, do you?" "Yes, I do," was the answer. "Then, sir," replied his questioner, "I want to let you know that this is a free country, and that we will do as we d—d please, and you shan't say nothing!" [Laughter.] That is the way the gentleman [Mr. MACE] would give freedom to the territories. Oh, yes, he will make it a free territory. He will have his way, and the people there "shan't say nothing." He would give them precisely that sort of freedom which closes the mouths of freemen. That sort of liberty he would have which says to freemen, "You shall do as I please—it is a free country, it is true; but I will have my way, and you shall not say a word. You shall not elect Whitfield, or any man who would favor the introduction of slavery." [Laughter.]

Now, sir, the gentleman [Mr. MACE] yesterday notified the country, and notified the House that Nebraska never should come in as a slave State. This is plain and direct language. It presents the issue fairly. It is bringing up that question which has been thrice settled by this country. And, without pretending to speak prophetically, I will venture the opinion, that if Nebraska comes here with a slavery constitution, she will be admitted; and the great body of these gentlemen who occupy the position of the gentleman from Indiana, will be at that time buried so deep under popular condemnation, that their voices against it will never reach the Capitol. A great national principle is involved in this question which the people of this country are not going to ignore. National men will be sent from the North as well as from the South. Men will be sent to Congress who stand upon principles, and will not "back and fill," and be on one principle for one week, one month, and one moon, and upon another principle another week, and month, and moon. The gentleman's principles do not set by him a twelvemonth. And if he changes in the future as rapidly and radically as he has in the past, even he, if here, may yet vote for her admission as a slave State.

In some things I was surprised at the gentleman's speech yesterday; for I recollected very well the remarks he made with reference to this Nebraska bill before it passed, and the amendment which he offered. I beg to call his attention, and the attention of the House, to the report of his remarks—made on the 22d of May, the Saturday before it passed:

"Mr. MACE moved to insert in the first section 'and the territorial legislature shall have the power to admit or exclude slavery at any time by law.' He said he offered the amendment in good faith, and for the purpose of testing the sincerity of members from the western States, and more especially the sincerity of those of the delegation from Indiana, who were to vote in favor of the bill.

"Mr. ENGLISH. If the amendment be adopted, will my colleague give the bill his support?

"Mr. MACE. I will."

Mr. MACE. What reasons did I give?

Mr. STEPHENS. The only reasons he gave are those I have read. He said that he offered the amendment in good faith, for the purpose of testing the sincerity of members, and more especially the sincerity of the members of the delegation from Indiana who voted in favor of the bill; and he said that if it was adopted—that is, if the legislature should have the power to settle the question at any time, he would vote for the bill. Now, he wants to deprive the legislature, or the people in convention, from ever being empowered to settle it, as they want to do, at all. Perhaps when the people do settle, as they now have the power to do it, he may yet sanction it, notwithstanding they may adopt a slavery constitution.

Mr. MACE. Did the gentleman vote for my amendment?

Mr. STEPHENS. I did not, and for the reason given, that by the bill we had given the people all the power that we could under the constitution. We could not grant more, and they could not exercise more if we had granted it. We had done all we could on our part, and we could not give them more. The government of the territories, in my opinion, devolved upon Congress, in the first instance. It was our duty to govern them, or provide governments for them. I stated then to the country, and now state, that I believe it was right and just for us to turn over our powers to the people, all the powers at least that they can exercise under the constitution. So far as my vote was concerned, I gave the people all the power that they could exercise under the constitution. We could not give them more, and why should the gentleman have asked to give them more?

The gentleman from Indiana said that he would vote in good faith to give the people of these territories power to admit slavery; but now he comes forward and wants to deprive them of the power of passing any law by which slavery may be tolerated. I did not know then whether Kansas would be a slave State or not. I do not know now whether it will be or not, but this does not make the slightest difference in my vote. Men may indulge in whatever speculations they please. If Kansas should come here with a constitution excluding slavery, and ask admission into the Union as a State, while I am a member upon this floor, I should vote for her admission. At least that feature in her constitution will not cause me to vote against her admission. I voted for the admission of Iowa, and I have voted for the admission of every northern State, since I have occupied a seat upon this floor, when I have been in my place. I was not here when California was admitted, but I defended her admission.

I want gentlemen from the North, and the gentleman from Indiana, to understand the South, or at least the position of some of her representatives. We stand upon principle. We do not advocate a measure to-day because it votes money into the pockets of our constituents, or because it is favored by them or advances their interests, and then to-morrow array ourselves in opposition to it, because we think a different result follows from its operation, but we stand, particularly on this question, upon the fixed and immutable principles upon which the constitution itself rests. In the beginning, in the middle of our history, and up to this time, there we have always stood. The South, in 1820, maintained the principle that a State has the right to come into the Union with such institutions, republican in their character, as she might adopt. Missouri was denied admission, and the South did reluctantly consent that slavery should be excluded north of 36° 30', provided Missouri should come in as she pleased. But Missouri was again denied admission—she did not come in under this act of 1820. I will not, however, go over this ground again

now. The North would not adhere to the principles of the act of 1820. When the strife of 1850 became intolerable, when the ship of State seemed about to go down, and when southern men were still standing on deck with flag-staff in their hands appealing to northern patriots to come to the rescue, and stand upon the old platform, occupied by them when the Missouri question arose—that is, the State-rights doctrine of letting each State settle this matter for itself—whether in accordance with the wishes of the North or South—it was then that this principle, incorporated in the Nebraska bill, was first established. This principle now follows the American flag wherever it floats, whether in California, Utah, New Mexico, or southern Texas. The same stars and stripes, with the same principles inscribed upon their broad folds, now wave far up in Kansas and Nebraska! Let them go, knit together, one and inseparable, over every foot of American soil. This, sir, is my wish, and this, sir, I think, will be the result; I therefore say to the gentleman from Maine, [Mr. WASHBURN,] that he will not live to see the day, in my opinion, when this great movement, this revolution in American politics, will ever roll backward. Its course will rather be onward. There are some other topics to which I wish to allude.

Why is it that gentlemen object so much to the introduction of slavery into Kansas, if the people of that territory desire it to go there? When I made a speech at the last session upon this subject, I stated that I would vote for the principle of allowing the people of any section of the country to come into the Union and form institutions as they please. This I said when I knew there might be twice as many people there from the North as from the South, and the chances of emigration I knew would greatly preponderate in favor of the North. I am willing, now, to abide by that principle. I have no desire to deprive the people of any State or territory in our common country of the right of adopting such institutions for their government, when they become States, as they please. It is anti-American, and entirely at war with the spirit of the age, about which we hear so much. I ask why the people of any section of the country should be prevented from adopting the institutions of the South, if they wish them? Socially, morally, and politically, or in any aspect of the question, is there any reason for depriving them of such right? Is it for the sake of humanity that gentlemen are not willing for the people of Kansas to assign the African the same condition there that he occupies in the South, if they think it best to do so? Are gentlemen willing to degrade their own race by not permitting them to vote upon matters relating to their own government, while they are endeavoring to elevate the negro to the standard of the white man? You may degrade the white man, but you cannot raise the negro to the level you purpose. It is impossible. You have to reverse a law of nature first. Men may indulge in philanthropic speculations as much as they please,

but here is the great immutable law of nature, and they cannot avoid it. I am not here to argue whether decrees of the Most High are right, wise, and just. There is a difference, a vast difference, established by the Creator between the different races of men. For myself, I believe that he who made us all is just, and that he made the white man as he made him, and that he made the negro as he made him—for wise and just purposes. Some vessels are made for honor and some for dishonor; one star differeth from another star in magnitude as well as in brilliancy. I believe, too, that the system of government, as adopted by the South, defining the *status* or relation of these two races, is the best for both of them; and I am prepared to argue that question with the gentleman, here or anywhere. Take the negroes in Indiana, take them in the North generally, and compare their condition with those of the South. Take them in Africa; take them anywhere on the face of the habitable globe; and then take them in the southern States, and the negro population of the South are better off, better fed, better clothed, better provided for, enjoy more happiness, and a higher civilization, than the same race has ever enjoyed anywhere else on the face of the world. Could Howard the philanthropist, who has left an undying fame for his deeds of humanity, have taken the same number of Africans from their native country and raised them from their barbarous condition to that of the slaves of the South, he would have added much to that stature of immortality which, in his day, he erected to himself. It would have greatly added to that reputation, which now sanctifies his memory in the hearts and affections of mankind.

Look at the three millions of Africans as you find them in the South; and where is the man so cold-hearted, and cold-blooded, as would wish to put them in the condition that their forefathers were, or their kindred now are in Africa? What has done so much for these people but that which is so much denounced by inconsiderate fanatics; men and women, too, who find fault with what they know nothing about?

Again: take our negroes, and compare their condition with that of the free negroes of the North. I have the result of the census returns before me, and from that it appears that the increase of the free people of color in the United States, from 1840 to 1850, was only ten and ninety-five hundredths per centum. This shows that their condition cannot be very good, or desirable; and to this increase is to be added, too, the fugitive slaves, and those who have been emancipated. With all these sources of increase, that increase has only been ten and ninety-five hundredths per centum.

Now, how is it with the slaves—the down-trodden, the abused, the half-starved slaves? Their increase, during the same period, was twenty-eight and fifty-eight hundredths. Is there any such result to be presented at the North, where they are free and left

to themselves? How can your missionaries in philanthropy and crusaders in benevolence account for this?

But some people say that slavery is a curse to the white man. They abandon the idea that it is a curse to the negro. They say it weakens, impoverishes, and demoralizes a State. Let us see. They say there can be no high social, moral, or material development under the institution of slavery. I have before me some statistics on this point—statistics relating to material development. But, before alluding to them, I will say upon the subject of morals, that I saw a table of crimes made out in the census office for 1850. From those statistics it appeared—I speak from memory; I have not the paper before me—that the number of convictions for crimes of every grade, in Massachusetts, the land of “steady habits,” and where we hear so much of the immoral effects of slavery, with a population under one million, was several thousand; while in the State of Georgia, with a population not so great, the similar convictions are less than one hundred. I say, then, upon the score of crime, upon the score of morals, I am ready to compare my State with that of Massachusetts, or any one of the free States. Where, then, is the moral curse which arises from slavery?

A few facts in reference to physical development. I had occasion, some time since, for another purpose than the present, to look a little into the statistics of Georgia, compared with those of other States. I selected the State of Ohio, because it was one of the most prosperous of the North—often styled, and, perhaps, justly too, the giant of the West. According to the census returns in 1850, Ohio had of improved lands 9,851,493 acres—Georgia had only 6,378,479 acres, the cash value of the Georgia land so improved and under culture was \$95,753,445, while the cash value of the Ohio lands was returned at \$358,758,603—Ohio had nearly one-third more land in a state of improvement than Georgia had, and returned at more than three times the cash value of the Georgia lands. The whole population of Ohio was 1,908,480, the whole population of Georgia, white and black, was 905,999. The population of Ohio, therefore, was more than double that of Georgia. Here we see her free labor more than double in number, working one third more land, worth, by valuation, more than three times that of Georgia. From these elements it might not be surprising to see her agricultural products greatly exceeding those of Georgia, without resorting to the “curse of slavery” to account for it. But how stand the facts? Ohio produced the following articles:

Wheat.....	14,487,351 bush.	at 80 cents....	\$11,589,880
Buckwheat.....	638,060 “	40 “	255,224
Indian corn.....	59,078,695 “	30 “	17,723,608
Rye.....	425,918 “	50 “	212,959
Barley.....	354,358 “	50 “	177,179
Oats.....	13,472,742 “	25 “	3,368,182

Peas and beans.....	60,168 bush.	at 1 dollar....	\$60,168
Irish potatoes.....	5,057,769 "	40 cents....	2,023,107
Sweet potatoes.....	187,991 "	50 "	93,995
Tobacco.....	10,454,449 lbs.	7 "	731,811
Cloverseed	103,197 bus.	4 dolls....	412,748
Flax.....	446,932 lbs.	10 cents....	44,693
Flaxseed.....	188,880 bus.	75 "	141,660
Maple sugar.....	4,588,209 lbs.	6 "	275,292
Molasses.....	197,308 gals.	35 "	69,057
Wine.....	48,207 "	1 dollar....	48,207
Garden products returned in money, value.....			214,004
Orchard " " " "			695,921

Aggregate..... \$38,137,695

This list includes nearly every agricultural product of the earth in that State, except hay, which is omitted, because in Georgia there is no return for fodder, which, in that State, answers the same purpose of hay in Ohio, as food for stock. The quantity of each product produced is given from the census tables. The values run out are such as are believed to be the usual average values of each article in that State, except the products of gardens and orchards, which are taken from the tables—no other values are put upon the products in the tables. The estimate above stated is believed to be a fair one. Now let us take up the returns for Georgia and place upon them a like estimated average value. Here we have:

Wheat	1,088,534 bushels	at \$1 00....	\$1,088,534
Indian corn.....	30,080,099 "	50....	15,040,049
Cotton—bales.....	499,091 400 lbs. at	8....	15,970,912
Rice.....	38,950,691 lbs. at	4....	1,558,027
Peas and beans.....	1,142,011 bushels	at \$1 00....	1,142,011
Sweet potatoes.....	6,986,428 "	25....	1,746,607
Irish potatoes.....	227,378 "	50....	113,689
Oats.....	3,820,044 "	37½... 1,432,516	
Cane sugar.....	1,642 hhds. 1,000 lbs.	6....	98,520
Molasses.....	216,150 gallons at	25....	54,037
Orchard products of...			92,766
Garden products of.....			76,500

Aggregate..... \$38,414,168

An amount so far from falling under that of Ohio as might have been expected, actually exceeds it about a quarter of a million, without extending the Georgia list to rye, barley, tobacco, and other articles which are produced in that State. Away, then, with this prating cry about slavery paralyzing the energy of a people, and opposing the development of the resources of a country.

If I were to take the statistics of any other State, and go through them in the same way, I have no reason to doubt that an equally favorable result to Georgia would follow I took the

State of Ohio, not as any disparagement to her, but to show that even in the South, where they say the soil is sterile, and the population inert, and cursed with slavery, as it is said to be, Georgia, with one half of the population, and only two thirds of the value of land, exceeds in agricultural products by one quarter of a million of dollars the great giant of the West.

Now, then, if the people of Kansas, the people of Nebraska, or the people of any other portion of our territory, going from old Massachusetts, going from New York, or from Indiana, or from the South, learning and consulting wisdom from the past, and profiting by experience from all parts of the Union, should think it practically best for the happiness of themselves and for their posterity in the far distant future, to adopt the social institutions of Georgia in preference to those of Indiana, if they prefer the institutions of the South to those of the North, I say they should not be deprived of their right to do it, and the gentleman from Indiana, and those who act with him, should not set themselves up as judges and "masters" to control the matter.

[Here the hammer fell.]

"GEORGIA AND OHIO."

SPEECH IN REPLY TO MR. CAMPBELL, OF OHIO.

DELIVERED IN THE HOUSE OF REPRESENTATIVES,

JANUARY 15, 1855.

A correspondent of the *Macon Messenger*, says of this speech—

"I have been present at all the debates of the present session, both in the Senate and House, and I assure you that the house which your able representative drew together this morning was the largest that has assembled during the present Congress—in fact it reminded the "old inhabitants" of the times when thronging and anxious crowds poured into the galleries and filled up all the vacant places, to hear Calhoun, Clay and Webster."

The House being in the Committee of the Whole on the state of the Union on the Pacific railroad bill, Mr. STEPHENS said :—

MR. CHAIRMAN. I do not propose to discuss the Pacific railroad bill. Some weeks ago, sir, the gentleman from Indiana [Mr. MACE] gave notice of his intention to introduce in this House a bill to prohibit slavery in Kansas and Nebraska, and accompanied that notice with a speech, to which I replied. To the remarks then submitted by me, the honorable gentleman from Ohio [Mr. CAMPBELL] made a reply. That speech of the gentleman from Ohio has been, according to the notice which he gave, considerably amplified and elaborated, as it appears in the *Globe*.

It is to that amplified and elaborated speech that I intend to devote what I have to say on this occasion.

MR. CAMPBELL. It is very true, Mr. Chairman, as the gentleman from Georgia [Mr. STEPHENS] remarks, that I did, pursuant to notice, amplify and enlarge my remarks, as is usual, under similar circumstances. Still, it is certainly but just to me that the gentleman should couple with his notice of the fact, the further truth that I permitted him to elaborate, just as much as he desired, the various remarks made by him during the hour allotted to me. I submitted to him all the notes of that speech, and gave him the opportunity of making, in his remarks, all the alterations that he desired to make. And even after the proof-sheets were prepared, I again extended the same courtesy to the gentleman, or rather, I made the proposition to him that he might amplify just as much as he desired. I wish this statement to go with the suggestion of the gentleman from Georgia.

MR. STEPHENS. If the gentleman has no other more pertinent interruption to make during my remarks, I trust he will permit me to proceed without thus encroaching upon my time.

It is true, Mr. Chairman, that I revised and corrected that portion of the remarks made by myself. It is true that the gentleman submitted the proof-sheets of his speech, as printed, to me, but I did not choose to reply in that way to any matter, except such points as were drawn out in the debate between us on this floor, in that speech. I chose to reply here, and in the way I now propose to do. This was what I was just going to state if I had not been interrupted. As to the amplification of his speech I do not object. I did not state the fact in the spirit of objection. It is not to that point I was speaking. But this was my object in stating the fact: Inasmuch as, in the speech published, I do appear to have appeared and taken part in a discussion with the gentleman on some points; and, inasmuch as there are many matters elaborated in the published speech, which are inserted before my answers to the gentleman's interrogatories, it may, to some not aware of the reason, seem strange that I made no reply to the gentleman upon these points. It is for this reason I made the statement, and it is for the purpose of replying to the gentleman's statistics, I now desire to occupy some of the time of the committee. I do not object to the gentleman's amplification. Not at all, sir. But, sir, I have something to say in reply to these statistics, which were not exhibited by the gentleman on the floor. I have, sir, a great deal to say in reply to them; and I therefore avail myself of this opportunity—the earliest that I have had—to reply to them. I have more to say in reply to them, much more than I can speak in one hour, the limited time that I have.

But, sir, before going into the statistics given in the forepart of the gentleman's speech, in which he attempted to reply to some of the positions assumed by me in answer to the gentleman from

Indiana, [Mr. MACE,] I wish to state a few things in passing; and I will here say that, so far as my consistency is concerned, (the main object of the gentleman's attack,) I have nothing now to add to what I have heretofore said. My record may stand as it is made up. I have no desire to change or modify it in the least; not even to cross a *t* or dot an *i*. By it, as it stands, I am willing to abide while living, and by it to abide when dead. It was not made for a day, or for an election, but for all time to come. But to proceed.

The gentleman from Ohio, in the tenor of his argument, makes me use language which I did not utter on this floor—or, at least, he seems to put words into my mouth that I did not use. Now, when an argument is not stated fairly, it argues either a want of comprehension, or a consciousness of the want of capacity or ability to answer it on the part of one who thus fails fairly to present it. Either alternative does not bespeak much for the formidable qualities of an opponent. I have, Mr. Chairman, too high a regard for the intelligence of the gentleman, to think that he did not understand my argument. I believe that his object was rather to size the argument to his capacity to reply to it, as he supposed.

For instance, Mr. Chairman, the gentleman says in his speech, "we are told that the South gets nothing, that the South asks nothing." Now, sir, in my reply to the gentleman from Indiana, [Mr. MACE,] I spoke of the great fact, well known, living, and "fixed fact," that the industrial pursuits of the South do not, in the main, look for the protection or fostering care of the government, and that the general industrial pursuits of the North do. I did not say that the South gets nothing, or that the South asks nothing. I said that the South asks but few favors; and I repeat it, sir. Nor am I to be answered by being told that General Jackson and Mr. Clay—southern men—were in favor of fostering, as far as they could by proper legislation, the interests of the North. That does not disprove the fact which I uttered, that the South does not generally look to the government for protection, and that the North does. Sir, it rather proves the opposite, and confirms my statement. Because I stated that the industrial pursuits of the North look to the government for protection, is that statement disproved by the fact that southern men, or even myself, have voted to favor those interests, as far as was consistent with public duty? So far from disproving, it tends rather to establish it. What I stated on this point was in reply to the gentleman from Indiana, whose tone of argument was, that the South carried measures promotive of their interests by bluster.

But, sir, to come down to the argument as the gentleman states it! If he cannot or does not wish to meet me on the ground that the South asks but few favors, as I stated it, and that the North does look more to the government for its fostering care to pro-

tect its various interests than the South does, very well, I will meet him on his own ground. If he cannot answer my position, but must size my argument so as to make it stand as he has it, that "the South asks nothing, and gets nothing," I will come down even to his ground, so far as his answer is concerned.

The gentleman says, in the first place, putting the language in my mouth, "The South asks nothing, gets nothing;" and he then replies, "Certainly not," and refers us to the acquisition of Louisiana. And then, putting the words in my mouth, again he says, "The South asks nothing."

"*The South asks nothing!*" In 1803, we paid fifteen millions to get Louisiana.

"*The South asks nothing!*" In 1819, we paid five millions to get Florida.

"*The South asks nothing!*" In 1845, her policy brought Texas into the Union, with a promise that she might carve herself up into five States.

"*The South asks nothing!*" Her Texas annexation brought the war with Mexico, and more territory was demanded as 'the fruits of that war.'"

I think he does great injustice to the North when he says that the acquisition of Louisiana was for the exclusive benefit of the South.

MR. CAMPBELL. It is true that, at the time I made a reply to the gentleman from Georgia, I caught the idea which he presented, that the South asked nothing, from his manner of expression, and those were the words which I used at the time as they were reported.

MR. STEPHENS. I cannot yield to the gentleman unless he be very brief.

MR. CAMPBELL. I call the attention of the gentleman to what he did say. He did say, as reported, "all that we ask of you is to keep your hands out of our pockets. That is all the South asks, and we do not even get that."

MR. STEPHENS. Yes, sir. The gentleman will find not only those words, but others in my speech "as reported," all going to establish the leading point in that part of the argument, that the South asked but "few favors" compared with the wants of the North. That was my position, and not that we asked "nothing" or got "nothing." Some of these favors I specified; but, in the main, I asserted, or meant, in substance, to assert, as every one well understood, that the greatest desire of the South was, that the general government would keep its hands out of her pockets. And this is true; and the gentleman did not attempt to reply to it, except as I have stated. I come now, then, to the gentleman's reply to the position that the South "asks nothing." To this he says, "that we paid \$15,000,000 for Louisiana." To this I say, it was not the South alone that secured the acquisition of Louisiana. Nor was it alone for the benefit of the South. There

were but twenty-three votes in this House against that acquisition. It was a national acquisition. Sustained by national men from all sections, there was hardly a show of opposition to it from any quarter. I should suppose that Ohio would be the last State in this Union to raise her voice against that measure, or hold that it was exclusively for the benefit of the South. What would have become of her trade and commerce if Louisiana and the mouth of the Mississippi were still in the hands of Spain or France? If the fifteen millions of money, which we paid, be the grounds of the gentleman's objection, all that has been more than refunded by the sale of public lands embraced within the limits of that acquisition. These sales, up to this time, have amounted to \$25,928,732 23, besides what is yet to be realized from the hundreds of thousands of square miles yet to be sold. So the fifteen millions was no bonus to the South, even if the South had carried the measure for their own benefit.

Again, was the acquisition of that territory made to extend the southern area of the country? Let us examine this view of the subject. What extent of territory was comprised within the limits of Louisiana? It extended not only far up the Mississippi river, to Iowa and Minnesota, but westward to the Rocky mountains even, without now mooting the question, whether Oregon was not then acquired. Grant, for the sake of this argument, that Oregon was not then acquired. The territory of Louisiana stretched from the extreme south on the gulf to the extreme north on parallel 49° of north latitude. All that immense domain, including Kansas and Nebraska, was part of it. Was all this southern territory? The object of the gentleman from Ohio in alluding to this subject seemed to be to intimate that all this acquisition was for the South. But how is the fact? Let us look at it. By this acquisition, taking all the Indian territory into account, the South acquired only 231,960 square miles, while the North got by it 667,599 square miles! Is this the way that the South is to be taunted? When the very acquisition, held up as the taunt, brought more than double the extent of territory to the North than it did to the South!

Again, in the acquisition of Florida, the gentleman from Ohio says that the South carried that measure at a cost of \$5,000,000. This is the tenor of his argument. Sir, this measure was not carried by the South, nor for the South exclusively. There was not even a division in this House on the question. As to the extent of the acquisition, if we did not get Oregon when we acquired Louisiana, we certainly acquired it when we purchased Florida. It was by the treaty then made that we got Spain's relinquishment to Oregon. The North, by this measure, got 308,052 square miles of territory, including the territories of Oregon and Washington, while the South got only the State of Florida, 59,268 square miles. If the South carried this question by her votes, I ask were those who gave the votes sectional in their

policy? Did not the South, if that be the gentleman's argument, gain quite as much, nay, more, nay, double, nay, more than five times as much territory for the North in that acquisition, as she obtained for herself? Again, in the acquisition of Texas, considering the Mexican war as part of that proceeding, as the gentleman does, the South only secured 237,504 square miles, while the North secured 632,157 square miles, including California, New Mexico, and Utah.

The gentleman says, that the North is opposed to acquisitions; that she never looks outward, she looks inward; and that while the South is always looking to the extension of territory, the North is looking to the improvement of what we have. This, so far as looking to acquisition is concerned, I think is not true of the North entirely. It may be true of some men there. But it is not true of all her statesmen. In the early history of this country, there were men at the North, and one in particular, who had no such circumscribed views as those attributed to the North generally. The man to whom I allude stands first, in my opinion, of all the northern statesmen of his day. Indeed, he stands, in my judgment, amongst the men of his day—next to him who has no equal in any age or country. That man hailed from New York, and for strength of judgment, for profound thought, for far-seeing statesmanship, he has never been equalled by any of the illustrious men since brought upon the public arena by that honored State. That man, sir, was Alexander Hamilton; and at the formation of our constitution, after that provision in the original draft, that new States to be formed out of territory then belonging to the United States might be admitted into the Union, was so modified as to leave out the restriction, so that other States (not confining it to the then territory of the Union) might come in, Mr. Hamilton is said to have expressed the opinion, with approbation, that, in time, we should get Florida, Louisiana, Texas, Mexico, and even ultimately squint toward South America. That was the man, sir, who, in his day, was, every inch of him, a "Sampson in the field, and a Solomon in council." Nay, more; he was one of those gifted geniuses who caught from the "sunrise of life" that "mystical lore" which enabled him to see those coming events which were casting their "shadows before."

I take this occasion thus to speak of Mr. Hamilton, because he is a most striking exception to the gentleman's remark, and, also, because in his day it suited the purposes of many of his contemporaries to detract from his merits, his name, and his character; men who barked at his heels, just as the wolves and the hyenas do, upon the track of the noble king of the forest; men who never met him in open conflict but to be vanquished, and many of whom even quailed from his presence.

But, sir, let us look for a moment, to all our acquisitions. So far as Louisiana is concerned, if the gentleman begrudges the money paid for it, even if it had not been reimbursed by the sale

of lands, the State of Georgia, alone, has long since more than paid that debt by her munificent grant. She ceded to the United States that large territory out of which the two flourishing States—Alabama and Mississippi—have since been made; out of which, and from which, you have realized, by sale of lands, much more than the whole cost of Louisiana. I have now before me a table of the proceeds of the sale of the public lands in the States of Alabama and Mississippi. It amounts to \$32,205,612 18; the consideration paid to Georgia was \$1,250,000; with the extinguishment of the Indian title within her own limits; all this amounted to about \$11,000,000; so that if it be the amount of money that lays heavily upon his breast, it may be some consolation to the gentleman to know that from this grant by Georgia, a southern State, you have a clear gain of over \$20,000,000.

But, let us look at all our acquisitions. There are now, according to the census report, belonging to the United States, 2,936,166 square miles of territory, including States old and new as well as territories. There have been acquired, outside of the old thirteen States, 2,599,105 square miles. Of all these 2,599,105 square miles thus acquired, there lies north of the line of $36^{\circ} 30'$, 1,845,701 square miles, and there lie south of it but 753,404 square miles. Here, sir, take Louisiana, take Florida, take Texas, take all our acquisitions, the Georgia and other State grants or cessions, leaving out the Mesilla valley, acquired at the last session of Congress, which is a small item, and you see this astounding fact, in answer to the remarks of the gentleman on this point, that 1,845,701 square miles of these acquisitions lie north of $36^{\circ} 30'$, and only 753,404 lie south of it! If all north of $36^{\circ} 30'$ is to be considered northern territory, then the North has got by acquisition more than double what the South has!

Will the gentleman, then, pretend to answer me, when I say, that the South asks but few favors, by pointing to these acquisitions? Were these especial, peculiar, and great favors to the South? When I have shown that they were carried by patriots from all sections of the Union, and that more than double the square miles acquired north of that line which is usually referred to as defining northern and southern limits?—am I, I say, to be thus answered in the face of these facts? Sir, if the wild boy in the forest, with his bow and arrow, were vain enough to imagine that he could bring down the moon by the prowess of his arms as a huntsman, and should as vainly make the attempt, he would not come further short of his mark than the gentleman from Ohio does by letting fly such a shaft as this, either at me or my argument.

But again, he asks, who was it, at the last session of Congress, that desired to place in the hands of the President \$10,000,000 for the acquisition of Cuba? I can say to him that I did not, and if there is any gentleman upon this floor from the South that did, I did not know it. I know of no such movement in this House,

either at midnight or open day, or any other period of the twenty-four hours. But I tell the gentleman, in passing, as he has alluded to Cuba, that I am for the acquisition of that island. I believe its acquisition would promote the best interest of the island and of this country; and that it would promote the interest of Ohio more than of Georgia. I am not governed by sectional feelings or interests on this question. Its acquisition would advance the interests of both countries; and it would advance the interest of the North quite as much, if not more, than the South, so far as its trade and its commerce is concerned. But I was not, and am not, for putting \$10,000,000, or any other sum in the hands of this administration to buy it. I do not believe that they desire it. I have never believed that it was either their wish or policy to obtain it, as several of the most ardent friends of Cuba on this floor very well know. I gave them this opinion long ago, when some of them questioned its correctness. The sequel will show whether I was right or not. But, sir, as I have been drawn into saying thus much on this subject, it may be proper that I should say more. I am not for this acquisition upon any plan or principles inconsistent with the strictest national honor and national faith. But I am in favor of a repeal of those laws on our own statute book which make it penal and punishable as a crime of high grade for an American citizen to take part in any revolution that may take place in Cuba—any effort of the people there to throw off Spanish domination and oppression?

If the people of Cuba were permitted to exercise their own free will and volition, unawed by the superior power of Spain, as I am informed and believe, they would not remain a day, much less a month or year, longer, under the heavy taxes, burdens, and exactions of that country which now claim their allegiance only to oppress and to plunder them. And if they do thus desire to throw off the yoke of their oppressors, why should we punish American citizens for no reason but aiding them in their patriotic attempt? Why should we keep the peace for Spain? When did she, by her conduct toward us, put us under such obligations? Was it when she held the mouth of the Mississippi, or Florida? Was it when she armed the savages of the frontiers against our undefended people? Was it when she nurtured in her bosom such enemies to our peace—such wretches as Ambrister and Arbuthnot—whom General Jackson had to hang without judge or jury? When, I say, did Spain, by her comity and good neighborhood, put us under an obligation to punish our citizens for aiding the native Cubans not only to rid themselves of present heavy and onerous burdens and unjust impositions, but to prevent that ultimate destiny which French and English policy has concocted for them? In this matter I may have a little more sympathy for my own race than the gentleman has. Why should we hold while Spain skins? I feel no disposition to stand by and see one of the fairest islands of the world—the Queen of the An-

tilles—despoiled, rifled, and plundered, and then made a St. Domingo or a Jamaica of, any more than I would to see a stately ship, well freighted, pillaged by pirates, scuttled, and then sent adrift to sink, without one hand to save. This, sir, is pretty much the present condition of Cuba. She is now undergoing the pillaging process; how soon she will be scuttled and sent adrift to sink I know not. Sir, Mr. Webster, as early as the delivery of his Panama speech, intimated very strongly that the policy of this country never would or could allow Cuba to pass into other hands than those of Spain. Mr. Everett in his celebrated and most masterly letter on the proposed tri-party treaty, very clearly follows up the same views. And Mr. Clay is generally understood to have maintained, until the day of his death, that this country ought to go to war rather than permit Cuba to fall into the hands of England. But who, sir, would not infinitely prefer to see England hold it, than to see her policy carried out of extirpating the white race there and filling the island with Guinea negroes and African savages? If the first would justify a national war, the latter may, in my opinion, much more justify us in barely permitting such of our citizens, as see fit, to prevent it, if they can. If such a course should bring acquisition by the free choice of the people of Cuba, without consulting Spain, I say let it bring it. It is a matter in which I should be governed much more by the wishes of the people of Cuba than the interests of Spain.

Our trade with Cuba is now large; but this would be greatly augmented if it were part of this country, and under our laws. We should not only be relieved of the heavy duties paid on our exports there, but the productions of the island consumed in this country would be largely increased, and her capacity to consume our products, agricultural and manufactured, be increased in the same ratio. I have a document before me that gives the amount of duty levied and paid now on our exports there upon being introduced into the island. On beef is \$3 14 per barrel; pork, \$4 89 per barrel; hams, \$3 14; lard, \$4 19; lumber, \$5 60; hoops, \$8 39; coaches, \$261. But I cannot read all. The same document gives the price of a cargo, shipped from New Orleans to Havana, of flour, hams, and lard—valued at New Orleans at \$6,121 52—on which the duties paid were \$8,028 93. This cargo was made up of such articles as Ohio produces in abundance. These are her staples. Would it not, therefore, be greatly to her interest to have the same access to the markets of Havana as to New Orleans? I cannot now dwell, indeed scarcely refer, to the vast interest that shipping men and merchants generally, as well as manufacturing capitalists, have in this acquisition.

So far as the African and slavery is concerned, I ask the gentleman, and the candid of all parties everywhere, whether the condition of that population would not be better under our government than under the Spanish government? If there be real sympathy for the African, and real opposition to what is called

the atrocities of the slave trade, would not that trade be immediately abolished on the island becoming part of the United States? View the subject, therefore, commercially or politically, as it affects interests North or South, what rational objection can there be to it? Why, then, should gentlemen be opposed to it, either in open day, or, if need be, at midnight?

Mr. Chairman, I did not intend to dwell on the subject as long as I have done, I only intended to make a very brief reply to the gentleman's remark about a ten million affair, of which I know nothing; but, in passing, I have taken occasion to tell him what I am for. And I repeat, in conclusion on this point, that, on the score of humanity, on the score of public interest and statesmanship—indeed, in every point of view, where is the objection to the acquisition of Cuba, if it can be honorably and properly acquired? I see none, but an obstinate, fixed, and blind dogmatical nonsense.

With this digression I pass to those other points in the gentleman's speech to which I wish to reply. In the remarks submitted by me, Mr. Chairman, on the occasion referred to, I made an exhibit of statistics, showing that Georgia, with less than half the population, with nearly a third less land in quantity, and less than a third in value, compared with Ohio, not only equalled, but exceeded, that State in her agricultural productions, according to the census returns of 1850. This I did, not for the purpose of showing, as the gentleman argues, that the labor of an African slave is *better* calculated to develop the natural resources of a country than the labor of an American freeman, but for the purpose of showing the utter futility of the argument against African slavery founded upon the assumption that it is inconsistent with such development, even in a highly prosperous degree. It was from no unkind or ungenerous feeling toward Ohio, her people, or her interests, on my part, that I selected that State for the comparison. On the contrary, it was because I looked upon her as one of the most, if not the most, prosperous of all our northern States; and, also, because Georgia and Ohio are both eminently agricultural States. The comparison of States engaged in similar pursuits is much better to illustrate the working of different systems, than that of States whose people follow different pursuits. So much, then, for my object. To the statistics exhibited in pursuance of that object, and that object only, the gentleman has made an elaborate reply. That reply it is my purpose now to review.

What I said on the former occasion, together with the calculations then presented, I have before me, and ask attention to it. To wit:

"I had occasion, some time since, for another purpose than the present, to look a little into the statistics of Georgia, compared with those of other States. I selected the State of Ohio, because it was one of the most prosperous of the North—often styled, and, perhaps, justly too, the giant of the West. According to the census returns in 1850, Ohio had of improved lands 9,851,493 acres—Georgia had only 6,378,479 acres; the cash value of the Georgia land, so improved and under culture, was \$95,753,445, while the cash value of the Ohio lands was returned as \$358,758,603—

Ohio had nearly one third more land in a state of improvement than Georgia had, and returned more than three times the cash value of the Georgia lands. The whole population of Ohio was 1,980,329, the whole population of Georgia, white and black, was 906,185. The population of Ohio, therefore, was more than double that of Georgia. Here we see her free labor more than double in number, working one third more land, worth, by valuation, more than three times that of Georgia. From these elements it might not be surprising to see her agricultural products greatly exceeding those of Georgia, without resorting to the 'curse of slavery' to account for it. But how stand the facts? Ohio produced the following articles:

Wheat.....	14,487,351 bushels, at 80 cents....	\$11,589,880
Buckwheat.....	638,060 " 40 "	255,224
Indian corn.....	59,078,695 " 30 "	17,723,608
Rye.....	425,918 " 50 "	212,959
Barley.....	354,358 " 50 "	177,179
Oats.....	13,472,742 " 25 "	3,368,182
Peas and beans.....	60,168 " 1 dollar....	60,168
Irish potatoes.....	5,057,769 " 40 cents....	2,023,107
Sweet potatoes.....	187,991 " 50 "	93,995
Tobacco.....	10,454,449 lbs. 7 "	731,811
Cloverseed.....	103,197 bushels, 4 dolls....	412,748
Flax.....	446,932 lbs. 10 cents....	44,693
Flaxseed.....	188,880 bushels, 75 "	141,660
Maple sugar.....	4,588,209 lbs. 6 "	275,292
Molasses.....	197,308 gals. 35 "	69,057
Wine.....	48,207 " 1 dollar....	48,207
Garden products returned in money, value.....		214,004
Orchard " " " "		695,921

Aggregate..... \$38,137,695

"This list includes nearly every agricultural product of the earth in that State except hay, which is omitted, because, in Georgia, there is no return for fodder, which, in that State answers the same purpose of hay in Ohio, as food for stock. The quantity of each product produced is given from the census tables. The values run out are such as are believed to be the usual average values of each article in that State, except the products of gardens and orchards, which are taken from the tables—no other values are put upon the products in the tables. The estimate above stated is believed to be a fair one. Now let us take up the returns for Georgia, and place upon them a like estimated average value. Here we have:

Wheat.....	1,088,534 bushels at \$1 00	\$1,088,534
Indian corn.....	30,080,099 " 50	15,040,049
Cotton—bales.....	499,091 400 lbs. at 8	15,970,912
Rice.....	38,950,691 lbs. at 4	1,558,027
Peas and beans.....	1,142,011 bushels at 1 00	1,142,011
Sweet potatoes.....	6,986,428 " 25	1,746,607
Irish potatoes.....	227,378 " 50	113,689
Oats.....	3,820,044 " 37½....	1,432,516
Cane sugar.....	1,642 hhds., 1000 lbs. 6	98,520
Molasses.....	216,150 gallons at 25	54,037
Orchard, products of.....		92,766
Garden, products of.....		76,500

Aggregate..... \$38,414,168

"An amount, so far from falling under that of Ohio, as might have been expected, actually exceeds it above a quarter of a million, without extending the Georgia list to rye, barley, tobacco, and other articles which are produced in that State. Away, then, with this prating cry about slavery's paralyzing the energy of a people, and opposing the development of the resources of a country."

In commenting upon these exhibits, or tables, the gentleman files no objection to the items of products, except the article of hay, which, he says, ought not to be omitted in the Ohio list. He complains, however, of the prices or values, and the basis on which the estimates are founded. He objects to putting Georgia wheat at one dollar, and Ohio wheat at eighty cents. This is what he calls a "sliding scale." He insists that the products of both States should be placed on the same basis, and estimated on the same scale of prices. This is what he calls the basis of equality. On this point we are at issue, and, in determining this issue, I am willing to abide by the principles laid down by the ablest writers on political economy. The basis of my calculations, was the usual or average rates of prices in each State, respectively, at that time. I did not make those calculations to answer the purpose of an hour speech here, or an electioneering campaign. But I based them upon principles that will stand the test of time, and which can never be successfully assailed. If the committee will indulge me, I will give the gentleman the principles referred to. I read from Adam Smith:

"There is in every society or neighborhood an ordinary or average rate of both wages and profit in every different employment of labor and stock.

"There is likewise in every society or neighborhood an ordinary or average rate of rent," etc.

Again:

"These ordinary or average rates may be called the natural rates of wages, profit and rents, at the time and place in which they commonly prevail."

The same principles are laid down by all writers upon the same subject. The basis upon which the value of any products of industry are to be, or should be, estimated, in comparing one country or State with another, is not that of *equality* as the gentleman proposes, but the ordinary or average rates or values at the time and places respectively. I gave the ordinary average values of the Georgia products at the time, soon after the census was taken, and the place—Georgia—where they were produced. I did the same by Ohio.

Here, sir, I might leave the subject, so far as the principles are concerned upon which the estimates were made, and so far as the gentleman's objection to the sliding scale is concerned; but so far as the justice or correctness of the scale adopted for Ohio products is concerned, I have this to say: That if there is any inaccuracy in it, or injustice done to Ohio by it, as a whole, no one is more chargeable with it than the gentleman himself. And this, I

say, in my own vindication. For it so happens that I have preserved the calculations made by me in the construction of these tables more than two years ago, and amongst the papers I find a *memorandum*, given to me, upon my request, by the gentleman from Ohio, which furnished me with the *data* upon which I framed the Ohio table. These tables, as I said before, were prepared soon after the census was taken, for quite another purpose than their exhibition in this place. And here is the paper, with a list of the products grown in Ohio, which I submitted to him with a request that he would put down opposite each article its ordinary average value or price in Ohio, at that time. This he did; and here is the paper:

	About the average at Cincinnati.
Wheat per bushel.....	80 cents.
Buckwheat.....	40 “
Rye.....	50 “
Barley.....	50 “
Maple sugar, per pound.....	6 “
Molasses, per gallon.....	35 “
Irish potatoes, per bushel.....	40 “
Sweet potatoes, per bushel.....	50 “
Oats, per bushel.....	25 “
Tobacco.....	7 “
Peas and beans.....	1 dollar.
Cloverseed.....	5 “
Flaxseed.....	75 cents.
Indian corn.....	35 “

He put the price of wheat at 80 cents per bushel; buckwheat at 40 cents, rye at 50 cents, and so on. The whole list is identical with the value in the table I made for Ohio products, with the exception of Indian corn, which he put at 35 cents, and cloverseed at \$5. I put Indian corn for Ohio at 30 cents, and cloverseed at \$4; because other gentlemen from Ohio, whom I likewise consulted on the subject, gave it as their opinion that 30 cents for corn, and \$4 for cloverseed, were fair average rates for those articles. And moreover, his average was for Cincinnati. And I wished to get as near as possible to the average for the State. In Georgia I did not take the Savannah or Augusta prices of wheat or corn, but what I thought a fair average throughout the State. Fairness and accuracy were my objects.

Now, sir, the gentleman in reply to me on the facts deduced from his list of prices, has given another list, vastly different from the one he furnished me with. Let us look at some of these changes—80 cents a bushel was what he put wheat at on my list; \$2 per bushel is what he now rates it at—Indian corn he then put at 35 cents per bushel; he now puts that article, at 90 cents. The changes in these two products, without going further in the investigation, make a difference of over \$45,000,000 in favor of Ohio! This is “*sliding*” with a vengeance, as we say sometimes down South! And it is in this way that he now gets the Ohio

products to run up to \$145,838,232 51. And no wonder! Sir, I based my calculations and estimates upon principles from which I will never slide; upon these principles the tables prepared by me were given to the world. I maintain them now. As the distinguished gentleman from Missouri, [Mr. BENTON,] when in the other wing of the Capitol, said of his plan of the Mexican war—these tables, sir, “will do to keep.” And I intend to keep them; not, however, in my pocket, as I believe he kept his plan of the war, but to use another phrase of that honorable gentleman, I intend to keep them by spreading them upon the “parliamentary history of the country.”

But I will not let the gentleman off with this exposition, which is certainly quite enough to establish the accuracy and fairness of my tables. What he complains most of, is what he calls the sliding scale—that is, fixing Georgia wheat at \$1, and Ohio wheat at 80 cents. He insists that the estimation for both States should be on the same scale of prices. Well, sir, I will meet him on that ground. I will take as a basis for the value of the products of both States, the very paper he furnished me with for Ohio. I will bring the scale of prices of Georgia products down to the average which he put upon similar products in Ohio, but not in New York.

MR. CAMPBELL. I suppose the gentleman would not misstate my positions, and I beg leave to set him right.

MR. STEPHENS. Be very brief, for I have no time to spare.

MR. CAMPBELL. Then I will not take up the gentleman's time; I merely say that he does not state my position correctly.

MR. STEPHENS. I understand the gentleman's position, as he stated it, to be, that the products of Ohio, and those of Georgia, should be taken at New York prices.

MR. CAMPBELL. I said I considered it as the great market of the country.

MR. STEPHENS. Very well. Then I was not mistaken in his position. He insists that the products of both States should be estimated at New York prices, which, I say, is as erroneous as to estimate the value of the lands in each State at New York prices. New York is not the market for Georgia sweet potatoes, or Ohio corn, or Ohio hay. The proper basis for the value of each is the average values in each State, upon the plan on which my tables were framed. But, for the sake of the argument, I say, I will adopt, as a basis, the Ohio prices, as the gentleman gave them to me himself, and make the Georgia products square with that basis, so far as we produce similar articles. I will bring Georgia corn from fifty cents down to thirty-five, and raise Georgia potatoes up to fifty cents, which is just as absurd as it would be to estimate a town lot in the small village in which I live at either Cincinnati or New York prices, for the same quantity of land. And I will put cotton, which Ohio does not produce, at the commercial value fixed upon it for that year at the

custom-houses, which is quite as fair as to put it at the Cincinnati market price, inasmuch as it would cost quite as much to get it there as to the sea-board. By House Doc. No. 136, 1st sess. 32d Congress, the price of the cotton crop embraced in the census returns, was valued at $11\frac{1}{2}$ cents, and a little over. Then, sir, estimating the values of the products of both States, not at New York prices, but at Ohio prices, as given by the gentleman, and putting cotton at the actual value placed upon it officially, by this official report which I hold in my hand, how stands the result? I have made the calculation. I have the result before me. Here are the figures:

OHIO LIST.

Wheat.....	14,487,351	bushels at	80....	\$11,589,880
Buckwheat.....	638,000	" at	40....	255,220
Indian corn.....	59,078,695	" at	35....	20,677,543
Rye.....	425,918	" at	50....	212,959
Barley.....	354,358	" at	50....	177,179
Oats.....	13,472,742	" at	25....	3,368,185
Peas and beans.....	60,168	" at	\$1 00....	60,161
Irish potatoes.....	5,057,769	" at	40....	2,023,181
Sweet potatoes.....	187,991	" at	50....	93,907
Tobacco.....	10,454,449	pounds at	7....	731,895
Cloverseed.....	103,197	bushels at	\$5 00....	515,985
Flax.....	446,932	" at	10....	44,693
Flaxseed.....	188,880	" at	75....	141,660
Maple sugar.....	4,588,209	pounds at	6....	275,292
Molasses.....	197,308	gallons at	35....	69,057
Wine.....	48,207	" at	\$1 00....	48,207
Garden products.....				214,004
Orchard products.....				695,921
Aggregate.....				<u>\$41,204,870</u>

GEORGIA LIST.

Wheat.....	1,088,534	bushels at	80....	\$870,827
Indian corn.....	30,080,079	" at	35....	10,528,034
Cotton—bales.....	499,091	400 lbs. at	$11\frac{1}{2}$...	22,625,458
Rice.....	38,950,691	pounds at	4....	1,558,027
Peas and beans.....	1,142,011	bushels at	\$1 00....	1,142,011
Sweet potatoes.....	6,986,428	" at	50....	3,493,214
Irish potatoes.....	227,378	" at	40....	90,951
Oats.....	3,820,044	" at	25....	955,011
Barley.....	11,501	" at	\$1 00....	11,501
Cane sugar—hhds.....	1,642	1,000 lbs.,	6....	98,520
Molasses.....	216,150	gallons at	35....	75,652
Tobacco.....	423,924	pounds at	7....	29,644
Rye.....	53,750	bushels at	50....	26,875
Orchard products.....				92,766
Garden products.....				76,500
Aggregate.....				<u>\$41,675,021</u>

And on this basis of calculation the Ohio products amount to

\$41,204,870, and the Georgia products to \$41,675,021; making a balance in favor of Georgia of \$470,151—near half a million—and larger, by \$193,678, than the balance in her favor upon the system, which was the correct one, adopted by me at first. So I meet the gentleman upon his own ground, and results similarly favorable to Georgia are arrived at.

But the gentleman insists that hay should not be left out of the Ohio list of products. My reasons for leaving it out were given before. It is because there is no return in the census for fodder or shucks, that species of forage that we use for stock in Georgia. We produce at least 600,000,000 pounds of fodder, estimating 1,000 pounds to every 50 bushels of corn; besides immense quantities of corn shucks, which constitute the food for our stock, just as hay does in Ohio. For this large and valuable product there is no return.

But the gentleman says that, in Ohio they make more corn than we do, and hence more fodder. Not so, sir. In Ohio they do not save their fodder; at least it is not usual with them to do it. They put their labor upon saving hay. We grow an immense amount of grass in Georgia, but we do not cut it or save it. We put our labor in saving corn blades and shucks; and we might as well claim our uncut grass in our cornfields, as a product to go into the estimate, as for the gentleman to claim the unsaved corn blades which grow on their corn stalks. And beside this, sir, there is no return in the census for cotton seeds, which, in Georgia, amount in value, annually, at a moderate estimate, at not less than \$1,000,000. So, for these reasons I did omit the article of hay, as I stated, and did so properly, as I conceive; and with its omission, and the omission of the corresponding products of Georgia, upon the gentleman's own basis of calculation—not his last one, of New York prices, but the basis he gave me two years and upwards ago—Georgia, with a population of less than half that of Ohio, and with land a little over two thirds in quantity, and something under one third in value, produced, in 1849, according to the census returns, agricultural products exceeding those of Ohio in amount nearly \$500,000.

But, sir, I do not intend to stop here with the gentleman and his statistics. I will even follow him to New York, and his prices there. I have his tables of estimates by which he made the annual products of Ohio amount to \$145,838,232 51, and those of Georgia to only \$65,488,267 18. These tables are not given in his pamphlet speech though they appeared with the speech as published in the *Globe*. But I intend to preserve them, whether he does or not. I shall preserve them as we do uncurrent coin in my country. For that purpose I have brought them here this day to exhibit to the House and the country; and, in the face of the gentleman, the House, and the country, to nail them to the counter as spurious in their elements and composition. Upon what principle can he estimate Ohio hay at \$16 per ton, because

hay sells in New York at that price, when, perhaps, a bundle of Ohio hay never went there for sale in the world? Upon what principle can he put Ohio wheat at \$2 per bushel, because wheat sells in New York city at that price, when, by his own account of it, in the list furnished me, he put its price in Ohio at 80 cents? Nay, more—upon what principle is it that he now puts Georgia sweet potatoes at 50 cents per bushel, when they are notoriously selling in New York at 25 cents a half peck, or \$2 a bushel? I have a daily New York paper before me, giving the market price of sweet potatoes at the rates I have mentioned. Upon what principle is it, I say, that the gentleman makes up a table of such a character as this? Why did he not give the New York prices to the entire list of Georgia articles, if he took that as the national market? The difference in the Georgia products, in his table, on this one article of sweet potatoes, amounts to more than ten millions of dollars against Georgia. It is for this, and divers other great errors, I nail his table to the counter, here in open day, that the results deduced from them may not mislead the uninformed and unsuspecting elsewhere or anywhere.

But, sir, I said I would take up his results, attained, as they were, and meet the gentleman even on this, his own, ground of last retreat, in a comparison of the agricultural prosperity of the two States, according to all just and correct principles of political economy. And it is upon such principles alone, I will treat or argue such a subject.

According to his exhibit, the cash value of the Georgia farms is	\$95,753,444
Value of farming implements and machinery, is.....	5,894,150
This gives a capital of.....	<u>\$101,647,594</u>
The cash value of the Ohio farms is.....	\$358,758,603
Farming implements and machinery is	12,750,585
This gives a capital of.....	<u>\$371,509,188</u>
The products of Georgia, upon the principle of his calculation, which I have exhibited, amount in value to.....	\$65,488,267
And those of Ohio to.....	<u>145,838,232</u>

In this way the gentleman arrives at the conclusion, where he boastingly says, that Ohio was ahead of Georgia, annually, \$80,349,965.

But let us see how such a conclusion can be drawn, even if the results were as he has figured them out, upon any sound principles of political economy. According to these well-settled principles, in comparing the relative prosperity of any State, or business, with another, the amount of the capital, as well as the products, is to be taken into the account. All writers upon this science—for it is a science, and one of the profoundest of the

sciences which real philosophers ever taught—lay this down as one of the axioms, or the postulates, upon which they build their systems. However they may disagree upon other matters, all agree upon this fundamental truth. Mr. McCulloch, whose work I have before me, after stating that the species of labor, or kind of employment, is not to be looked at so much as its results, says:

“It is not, therefore, by the absolute amount of its capital, but by its power of employing that capital with advantage—a power which, in all ordinary cases, is correctly measured by the common and averaged rate of profit—that the capacity of a country to increase in wealth and population is to be estimated.”

And further on, he says:

“The average rate of profit would seem to be, on the whole, the best barometer—the best criterion of national prosperity.”

Now, what is here stated of national prosperity, or the capacity to produce wealth, is as true of States as of nations. And the main object of the gentleman from Ohio seemed to be to show, that the capacity of Ohio, with her free labor, was much greater in the production of wealth, or the development of her resources, than that of Georgia, with her slave labor. Then, sir, let the case stand as he puts it. Ohio, with free labor, on an investment of \$371,509,188 in capital, produces, with her labor, \$145,858,232. This is 39 per cent. That is the Ohio product toward capital, bears the ratio of 39 per cent., while Georgia, on an investment of capital of \$101,647,594, produces, with her labor, \$65,488,267, which is 64 per cent. And this is just 25 per cent. in favor of Georgia upon the gentleman's own extravagant and erroneous assumptions. The gentleman may say that the value of the slaves should be added to the Georgia capital. Not so, sir; for the purposes of this argument and the object of the gentleman, which was to show the superiority of voluntary over involuntary, or free over slave labor, in the amount of production and in the development of a country's resources. The question he presents has but a single point, and that is, the productiveness of labor. Here we have Ohio labor as it is, whether free or hired—which is a way of buying at a high price—working her capital in land, and suitable implements in husbandry, and producing, in gross, at the rates of 39 per cent. on capital; and Georgia labor as it is, whether free or bought, working her capital of the same character in like business, throwing off like productions, in gross, at the rates of 64 per cent. on capital.

But the gentleman says that the live-stock in each State should be taken into the account of the annual products. This is a most singular idea. But let it be done, and then how stands the result? Still more favorable to Georgia. Every step he takes plunges him deeper in the mire of his errors. For Georgia has much more live-stock, in proportion, either to her population, white and black, or capital, than Ohio has. Of neat cattle,

Georgia has 1,097,528. Ohio, with about double the population, has only 1,358,947. This is exclusive of swine or hogs. For when the gentleman talks of driving Ohio fat hogs to Georgia, he must be reminded that Georgia has more hogs than Ohio has. Georgia, by the census, had 2,168,617 hogs, while Ohio, with her much larger population, had only 1,964,770. But if the whole value of the live-stock in each State be taken into the account, I say the result will still be more favorable to Georgia. The Ohio live-stock is put down at \$44,121,741. In Georgia it is put down at \$25,728,416. If these amounts be added to the respective products before stated, we shall have the Ohio aggregate, as the gentleman states, \$189,959,973, and the Georgia aggregate, \$91,216,683. We should then have the Georgia capital, of \$101,647,594, producing \$91,216,683, which is 89 per cent., and the Ohio capital, of \$371,509,188, producing \$189,959,973, which is only 51 per cent. Being a production at the ratio of 38 per cent. on capital in favor of Georgia.

I have, Mr. Chairman, gone through with this illustration more for the purpose of exposing the fallacies of the gentleman than for any other purpose; and to show that, notwithstanding his most untenable assumptions as to the basis of prices, and his want of adherence, even to his own basis, first, in not abiding by his own list furnished me for Ohio products, and then in not putting Georgia potatoes at the New York city market price, when he adopted that basis; that, notwithstanding all this, his effort to make it appear that the agriculture of Ohio, under her system of labor, is more prosperous than that of Georgia under her system, has, according to the soundest principles of political economy, most signally failed. I, therefore, leave this branch of the subject where I left it before. The same exhibits I then made on this subject, I again make, and hold them up to the strictest scrutiny. Their results may astonish many who have never devoted attention and investigation to the subject; but the principles upon which they are founded, and the great truths they illustrate, may be railed at, but they can never be refuted.

But, Mr. Chairman, my time is fast passing away, and I too, must pass hurriedly on.

The gentleman says there are other statistics besides those of agriculture; and he goes into an enumeration of several classes of them in comparing the physical, as well as as intellectual, developments of Ohio with Georgia; he instances manufactures, public improvements, colleges, churches, and some others I can only glance at.

The first he gives, is the following table:

MANUFACTURES, ETC.				
	Capital invested.	Raw material.	Annual product.	Per cent profit
Ohio.....	\$29,019,538	\$34,677,937	\$62,647,259	49.97
Georgia	5,460,483	3,404,917	7,086,525	36.06
Ohio ahead.....	<u>\$23,559,055</u>	<u>\$31,273,020</u>	<u>\$55,560,734</u>	<u>13.91</u>

From this table one would suppose that Ohio had the capital here stated invested in manufactures, with the result stated; but, sir, by turning to the census returns, we shall find that much more is covered by the *et cætera* than by manufactures; under this *et cætera* come mechanic arts and mining. But in the census I find no clue to what these mechanic arts are, or the details of mining—I do, however, to manufactures proper, which is the heading title of the table. We have in the census (Compendium, page 180) the manufacture of cotton, woollens, pig-iron, wrought iron, iron castings, and distilleries and breweries; these are all the detailed heads of manufactures proper that the census gives—and the whole capital in Ohio, invested in all these branches together, is but \$6,161,644.

Here are the exact amounts taken from the census:

Capital invested in manufactures of cotton.....	\$297,000
“ “ “ woollens.....	870,220
“ “ “ pig-iron.....	1,503,000
“ “ “ wrought iron.....	164,800
“ “ “ iron castings.....	2,063,650
“ “ distilleries and breweries.....	1,262,974
	<hr/>
	\$6,161,644

I do not include fisheries and salt making, for how they can be properly classed with manufactures I cannot imagine; so that *et cætera* covers a large portion of the \$29,019,538, set down by the gentleman under the head of manufactures, etc. And now, sir, I will take up two of the most important of these manufactures proper, to wit: cotton and woollens, and see how they stand, respectively, in Ohio and Georgia:

GEORGIA MANUFACTURES.

No. of establishments.	Capital invested.	Value Raw material.	Cost of labor.	Product.	Per cent.
Cotton. 35	\$1,736,156	\$900,419	\$276,818	\$2,135,044	55
Woollen 3	68,000	30,392	19,615	88,750	56

OHIO MANUFACTURES.

No. of establishments.	Capital invested.	Value Raw material.	Cost of labor.	Product.	Per cent.
Cotton 8	\$297,000	\$237,060	56,691	\$394,700	33
Woollen 130	870,220	578,423	257,215	1,111,027	31

From this it appears that, in the manufacture of cotton and woollens, (which are those things that the mind generally turns to when speaking of manufactures,) so far from the State of Ohio being 13.91 per cent. ahead, when we take the ratio of capital to production, she is, in the first, 22 per cent., and in the other, 25 per cent. *behind*. I have not looked into the manufacture of iron, to see how the result would stand, because Georgia has very little capital invested in that business, and Ohio has certainly not enough to make it a matter of great importance there.

Under the head of distilleries and breweries, I find that Ohio has a capital invested of \$1,262,974, in which they used 330,950 bushels of barley, 3,588,140 bushels of corn, and 281,750 bushels of rye; out of which, they made 96,943 barrels of ale, and 11,865,150 gallons of whiskey! But the price of the corn or grain is not given, so that it is impossible to tell what ratio the value of the product in this business bore to the investment. But it may be that it is under this head that a very heavy percentage was counted, which increased the mean average on manufactures in all branches taken as a class. But in Georgia, on the manufacture of cotton, the production, after taking off the cost of labor and raw material, bears to capital invested the ratio of 55 per cent.; in Ohio but 33 per cent. In Ohio, on woollen manufactures, the similar ratio of product to capital is 31 per cent.; in Georgia 56 per cent. ! I cannot dwell upon these things.

MR. CAMPBELL. You are wrong there.

MR. STEPHENS. No, sir. I am never wrong upon a matter I have given as close attention to as I have given to this.

MR. CAMPBELL. I can prove it.

MR. STEPHENS. You had a chance to show that I was wrong once before, but you signally failed. Try it again.

I come, now, to railroads. The gentleman says that Ohio has 2,367 miles of railroad in operation, while Georgia has but 884 by the census, placing Ohio 1,485 miles ahead. Very well, sir. This is a very good showing; and if she had five times as many more miles, it would have nothing to do with what I said about agricultural products. But, sir, as favorable as this showing seems to be for Ohio, if we look a little into the matter, it will not be so bad for Georgia as the gentleman seems to imagine. I find, by looking into the Railroad Journal, and taking all the roads in Ohio and Georgia—the condition of which is given in that publication—that 1,071 miles of the Ohio roads, which have a capital of \$18,094,102, have, also, a *funded debt* of \$12,225,400; while in Georgia, 553 miles of her roads, the capital of which is \$9,099,975, have a *funded debt* of only \$732,401.

From this it appears that the roads in Ohio, as far as I have been able to get information, are two thirds unpaid for; while in Georgia less than one twelfth of hers is unpaid for. If all the roads in each State, therefore, stand in a similar condition; or if the 1,071 in one, and 553 in the other, may be taken as a sample for the whole in each State, then Georgia has more road completed and paid for than Ohio has. Two thirds of 2,367, the number of miles of the Ohio roads, is 1,578, which taken from that sum, leaves only 789 miles in operation and paid for. While one twelfth taken from 884 miles of the Georgia roads, leaves 811 miles complete and paid for. And why should not these improvements, boasted of, as they are, as evidences of prosperity, be subjected to this test? Is it any more evidence of the thrift or prosperity of a people, that they have railroads for which they

are *heavily* encumbered, than it is of the thrift or prosperity of a man, from the fact that he accumulates property by running in debt for it? A man's real thrift can only be correctly ascertained by knowing not only what he has, and what he makes, but what he owes. And the same principle is equally applicable to States or communities. With this view of the subject therefore, and especially when we take into consideration the much greater population of Ohio than Georgia, the railroad showing is, by no means, prejudicial to the character of the latter State, for that sort of progress, which pays as it goes, and which never fails in the end to secure the most lasting and permanent prosperity.

But the gentleman says that "there is another sort of development to be considered—that of the mind." And he cites to us the colleges in Ohio, 26 in number, against 13 in Georgia, putting Ohio 13 ahead. Now, sir, let us see if he is entitled to this boasting exultation upon any just principles of comparison. Ohio, it is true, has, by the census returns, 26 colleges, while Georgia has but 13. But Ohio has a white population of 1,955,050, while Georgia has but 521,572. Ohio, therefore, might very well be expected to have more colleges; but if the gentleman claims the number of colleges as evidence of greater development of mind, Ohio ought to have a number equal to the ratio of her population to that of Georgia. And, upon this *basis*, she ought to have 48 instead of 26, so that she is really 22 behind what she ought to have, instead of being 13 ahead.

But, sir, there is another view of this subject that the gentleman did not present, but which is one much more interesting to those looking after mental development than the number of colleges, and that is, the number of pupils or students at them. Georgia, at her 13 colleges, by the census, has 1,535 pupils; and Ohio, to have as many, in proportion to her population, ought to have 5,852, but, in fact, as the returns show, she has only 3,621. So, here again, upon the basis and ratio of white population, she is 2,231 behind. Georgia, by the census, has one pupil at college for every 339 of her entire white population, and Ohio has only one for every 539 of hers. In this particular, Georgia, by the census returns, is not only ahead, and a long ways ahead, of Ohio, but of every State in the Union, and of any and every other State or nation in the civilized world! This I will set down as a legitimate "set-off" against the gentleman's array of those who cannot read and write in Georgia. On this head he says, that Ohio has but *one* to every *twenty-nine* of her population who cannot read and write, while Georgia has *one* to every *twelve* of hers. I shall not dispute the returns of the census takers on this head, either in Georgia or Ohio; but there is one singular fact about it which strikes me as something worthy of note, and that is, that out of the foreign population—alien born—of 218,099, in Ohio, there should be found no more than 9,062 adults who cannot read and write. If this be true, then much that we hear said of the ignor-

ance and want of intelligence on the part of that class of people, cannot be well founded.

But I have this to say of this showing against Georgia: Much of it is owing to some important facts in her history. Georgia, it is true, as the gentleman says, was one of the old thirteen States; but, in point of settlement, she should be ranked junior to several of the new States, particularly Ohio: It has not been twenty years since she got possession of her entire territory. And for forty years after independence was declared, she had possession of but little over half of it. It was held by the aborigines, while the Indian title to at least two thirds of the Ohio territory—if I am not mistaken—was extinguished by the treaty of Greenville, in 1795. Ohio was admitted as a State in 1802; and, as early as 1817, the Indian title was extinguished throughout her territory, with the exception of some small reservations. It was not until 1838—more than twenty years afterward—that the Indians were removed from that large and fertile section of our State known as the Cherokee country. This is now, by far, the most densely populated of any part of the State. The policy of Georgia in lottering off her lands in small tracts of 202½, and 160, and 40 acres each, without any price, except the grant fees, naturally induced the landless, and the most indigent, whose means for education in early life had been most limited, in the neighboring, and even distant, States, to look to her cheap domain for homes whenever any portion of it was expected to be opened for settlement. Many of these pioneers, uneducated themselves, went into the woods, with hardly any thing save a horse and a cart, an axe and a gun, a wife and, perhaps, not a few “little ones.” Without convenient schools for several years, the older members of the rising families grew up as their fathers had done. Amongst this class is to be found much the greater number of those adults amongst us who can neither read nor write; but, with industry and frugality, where labor meets with the returns it does with us, competency and comforts soon followed. Then came “men servants and maid servants;” and then, also, commenced that physical development which it is my pride here to-day to exhibit in such a high degree of prosperity; and, what to me is a source of still more pride and gratification in contemplating the working of our institutions, is, that many of that great number of students, both male and female, who now crowd our colleges and halls of learning, with such distinguishing honor to the State, are the younger sons and daughters of parents who, thirty and forty years ago, commenced life’s career in our then wilderness, poor, illiterate, and destitute, as I have described. Moreover, Georgia has never received any aid from this government for educational purposes. Ohio has received 69,120 acres of land for colleges, which, at government prices, is \$86,400. She has, besides, received, for common schools, 704,488 acres of land, which, at the same estimated rates, makes more than \$800,000. And, for

internal improvements, she has received 1,050,287 acres more. And to this may also be added over half a million of dollars she has received as a percentage on the amount of land sales in her limits. Georgia has been your benefactor to the amount of millions in the grant of public domain, but the recipient of none of these favors. She made herself what she is by her own exertions, energy, and enterprise.

But, sir, I pass on to churches. The gentleman gives us this table :

	No. of Churches.	Accommodation.	Value.	Average Value.
Ohio.....	3,936	1,457,294	\$5,793,099	\$1,471
Georgia.....	1,862	627,197	1,269,359	679
Ohio ahead..	<u>2,074</u>	<u>830,097</u>	<u>\$4,523,740</u>	<u>\$792</u>

Here the gentleman again, as usual with him, sets down Ohio as *ahead*! But let us see if such be the fact. Ohio has more churches, it is true, and ought to have, for she has more people. But how does the number of churches stand in proportion to the population in each State? By the census, the church accommodation in each is as follows: Georgia 2.05 to every 1,000 population; Ohio 1.99 to every 1,000 population; that is, Georgia has over two churches to every one thousand of her entire population, white and black, while Ohio has less than two to the same portion of her population. To have her full ratio of churches, according to population, to be equal to Georgia, Ohio ought to have 4,059, instead of 3,936. So that, so far from being two thousand and seventy-four *ahead*, as the gentleman says, she is really, and in fact, 123 *behind*! It is true that Ohio buildings are estimated at a higher cost or value than those in Georgia; and this may be according to the fact. But with us we do not look so much to the splendor of architecture, or the outward appearance of our temples of worship, as we do to having a house of some sort where the people of all classes, including the "poor," yea even the "*slave*," may have "the gospel preached to them."

Now, sir, as the gentleman has seen fit to leave the original issue of the comparative agricultural developments of the two States, and has given us statistics on other matters, I will follow his example, and call attention to one or two other subjects which will throw some light upon the workings of their respective social systems. The exhibition of churches is only one side of the moral picture. Let us turn it and look at the other. How stands the lists of crimes in these States? By the census, in Georgia, during the year for which the returns were taken, there were but 80 criminal convictions in the whole State, while in Ohio there were 843! There were in Georgia, in the penitentiary, 89 convicts; in Ohio there were 406; and of these 406 then in prison for crime in Ohio, 44 of them were blacks! Forty-four out of a free black population of 25,279! This is a most

striking fact, showing the immorality of that particular class of people, as well as their degradation. If crime existed in the same ratio amongst the whites in that State, there would be over three thousand of them in the State prison! The gentleman spoke of "carrying the war into Africa." I thought that was the last place he would be disposed to carry it, as the sable sons of that unfortunate land seem to be his especial favorites. But as he has carried it there, it is but proper that the result should be duly chronicled.

Again, the general condition of a people is, to some extent, indicated by the amount of want and destitution amongst them. On this head, comparing Georgia with Ohio, the census presents the following results:

	Paupers.	Annual cost of support.
Georgia.....	1,036	27,820
Ohio	2,513	95,250

But, Mr. Chairman, my time is nearly out. There are many other matters, I did wish to allude to, which I must pass over and omit. I wanted to say something about the present condition of things in some of the Northern States, particularly in the city of New York, where it is now found that there is, after all, something in life worse than being required, or even made to work. This is the great evil the negro in the South is subjected to, in the opinion of those who rail so much against our social system. But that greater evil which is now felt in New York, is the want of work to do, by which means may be earned to keep from starving. "Hunger is a sharp thorn" was, a few days ago, the banner motto, borne by thousands in that great mercantile metropolis. Under our system, sir, we never have such scenes. We have, it is true, our afflictions of diseases, and epidemics, and disasters of drought, floods, and hurricanes; but the wail of thousands crying for bread, has never yet, under the blessings of heaven, been heard in our land of sunshine and plenty, "*cursed*," though it be, with slavery! Even the curses of our enemies seem to fall as blessings on our heads. We have a "Social Providence," to use a late very appropriate designation given by the New York *Tribune*, which prevents all this. A system by which capital, accumulated in the years of plenty, is required to sustain labor in the years of want. These matters I wished to go somewhat into, but I cannot. But enough has been said to show a development, whether considered physically, morally, socially, or intellectually, quite sufficient to place Georgia (with domestic institutions as much abused as they are by those who know so little about them) fully alongside of Ohio, "the giant of the West," or any other State of this Union. That was my proposition, and I think I have made it good.

I want, in conclusion, however, to say a few things, Mr. Chairman, about one of our great staples. I omitted it in its proper place, but it will do, perhaps, just as well here. I mean

the article of cotton; and I wish to say what I do on that subject, from the fact that I have seen it stated that the Ohio hay crop was equal to the Georgia cotton crop, and that the hay crop of the United States annually is quite equal in importance, as an agricultural product, to this great southern, or, I should rather say, national staple. Those who thus think, or talk, or argue, take a very narrow, imperfect, and unphilosophical, as well as unstatesmanlike view of the subject. As to the mere money value of this article, or its excess in value over the other, it is not my purpose to speak; that—great as, in fact, it is—is a small matter, infinitely small when placed by the side of other larger and more comprehensive considerations of the question. Some things have values extrinsic as well as intrinsic. Cotton is eminently one of these. Gold and silver are not so much entitled to be placed on the list of such things as it is. The extrinsic value of these metals arises from their agency as the adopted representatives of all values. With their displacement, however, many substitutes could be obtained. But what substitute could be procured for the agency of cotton?

Let us look, for a moment—and I have but a moment or two left—into some of the relations of this product to the active business operations of the world. To illustrate, I will state simple facts. These facts are collected from the very able report I hold in my hand. It was made by Mr. Andrews, a northern man. It is Ex. Doc. No. 136, 1st sess. 32d Cong. Full credit, therefore, may be given to the facts. They come with the stamp of the highest authority. From this document it appears that the cotton crop of this country gives employment to at least 120,000 tons of inland steam tonnage, and 7,000 persons in transporting it to points for shipment. It gives employment to 50,000 American seamen, and one million of American tonnage in its coastwise shipment. It gives employment to 800,000 tons of American shipping, and 40,000 American seamen, in its foreign shipment. Twenty-five thousand other persons, at least, are engaged in receiving and shipping it. It gives employment to at least 100,000 operatives in American factories, whose annual wages are over \$17,000,000. In these factories there are invested eighty millions of American capital, which turn out, annually, at least seventy millions worth of products! With these facts before him, the writer of the report uses this language. I ask the attention of the committee to it, because it is no less graphic than truthful:

“Every interest throughout the land—at the North and the South, in the East and the West, in the interior, and on the Pacific as well as the Atlantic coast—receives from it (cotton) active and material aid. It promotes, essentially, the agricultural interests in those States where cotton is not produced. It is the main source of the prosperity of the mechanic, the artisan, and other laboring classes, as well as that of the merchant, and manufacturer in every section of the Union. Everywhere it has laid, broad, and deep, and permanent, the foundations of the wealth and

strength of the United States, and of their independence of foreign nations. More than any thing else has this product made other nations, even the most powerful, dependent on the 'United States of America.' More than any other article, nay, more than all other agricultural products united, has cotton advanced the navigating and commercial interests of the eastern Atlantic States, and of the whole Union. It, more than any other agricultural product, has cherished and sustained those interests, not merely by its direct contribution, but by awakening commerce in other countries, from which they have received profitable employment. Neither the whale fisheries, nor the mackerel and cod fisheries have been of the same importance and value to those interests as the annual cotton crop of the United States, since the war of 1812, has been, for its transportation coastwise and exportation to foreign countries. Like the light and heat of the sun, the genial effects of this inestimable blessing which Providence has bestowed upon this favored people, reach every portion of the land. They extend to every city, and town, and village, and hamlet, and farmhouse—to the ship, to the steamboat, to the canal barge, and to the railroad."

Yes, sir, throughout the length and breadth of this vast Confederation of States, there is not a tenement, whether cabin or palace, where the life-giving and life-sustaining influence of this southern product is not felt and realized. And besides this, it may be added that the same article gives employment, and the means of supporting human life, to at least three millions of persons in Europe, and the investment of at least three hundred millions of their capital! Figures almost fail, sir, to calculate the extent of the influence of this article upon the comfort, the happiness and well being of mankind. The one sixth, at least, of all these results is due to that portion of this product contributed by Georgia. This sketch gives us but a slight glance at some of the extrinsic values of cotton, to which the money value, to the grower, great as it is, is but a drop in the ocean. But who, in the face of these facts, and these grand results, can be bold enough to maintain that this product of the South, in value and importance, is to be put in the balance and weighed down by the hay crop of the North? Or, that the cotton crop of Georgia, that contributes one sixth of all these results, is, in like manner, to be put in the scales against the hay crop of Ohio? The dried grass, the cow food, that sustains life for a season in their herds of cattle; though they were countless in number! The subjects hardly allow a contrast, much less a comparison; and whoever attempts it, does injustice, not only to his own intelligence as a statesman, if he has a spark of it about him, but he does gross injustice to one of the most important elements of his country's greatness! To adopt the figure of the author of the report I have just read from, we might much better compare the lard lamps, or wood fires, or whatever else lights up the dwellings of the nineteen hundred thousand inhabitants of that State every night, to the full blaze of the "glorious king of day" at noon shedding abroad, not only light, but heat, animation, and life upon a smiling world around us.

LETTER TO JUDGE THOMAS W. THOMAS, ON THE
SUBJECT OF KNOW-NOTHINGISM.

ELBERTON, GA., 5th MAY, 1855.

HON. ALEXANDER H. STEPHENS:

DEAR SIR:—A rumor prevails in this section, to a considerable extent, that you will decline to serve us in the next Congress, and the chief reason assigned is, that it is supposed a large number of your political friends have gone into the secret order called Know-Nothings. Many of your friends desire to know if this rumor be true. It is considered an important period in our national affairs, and your retiring at this time would be felt as a loss by those who have relied on you through so many trying scenes.

What are your opinions and views of this new party, called Know-Nothings? Knowing your willingness to give your opinion on all matters of public concern, I am induced to make the inquiry, and request permission to publish your reply.

Yours truly,

THOMAS W. THOMAS.

CRAWFORDVILLE, GA., 9th MAY, 1855.

DEAR SIR:—Your letter of the 5th inst. was received some days ago, and should have been answered much earlier, but for my absence from home. The rumor you mention in relation to my candidacy for re-election to Congress, is true. I have stated, and repeated on various occasions, that I was not, and did not expect to be, a candidate—the same I now say to you. The reason of this declaration on my part, was the fact, that large numbers of our old political friends seemed to be entering into new combinations with *new objects, purposes, and principles* of which I was not informed, and never could be according to the rules of their action and the opinions I entertain. Hence my conclusion that they had no further use for me as their representative; for I presumed they knew enough of me to be assured if they had any secret aims or objects to accomplish that they never could get my consent, even if they desired it, to become a dumb instrument to execute such a purpose. I certainly never did, and never shall, go before the people as a candidate for their suffrages with my principles in my pocket. It has been the pride of my life, heretofore, not only to make known fully and freely my sentiments upon all questions of public policy, but in vindication of those sentiments thus avowed, to meet any antagonists arrayed against them, in open and manly strife—"face to face and toe to toe." From this rule of action by which I have up to this time been governed, I shall never depart. But you ask me what are my opinions and views of this new party called "Know-Nothings," with

a request that you be permitted to publish them. My opinions and views thus solicited, shall be given most cheerfully, and as fully and clearly as my time, under the pressure of business, will allow. You can do with them as you please—publish them or not, as you like. They are the views of a private citizen. I am at present, to all intents and purposes whatsoever, literally *one of the people*. I hold no office nor seek any, and as one of the people I shall speak to you and them on this, and on all occasions, with that frankness and independence which it becomes a freeman to bear towards his fellows. And in giving my views of “Know-Nothingism,” I *most truly* say, that I really “know nothing” about the principles, aims or objects of the party I am about to speak of—they are all kept secret—being communicated and made known only to the initiated, and not to these until after being first duly pledged and sworn. This, to me, is a very great objection to the whole organization. All political principles, which are sought to be carried out in legislation by any body or set of men in a republic, in my opinion ought to be openly avowed and publicly proclaimed. *Truth* never shuns the light nor shrinks from investigation—or at least it *ought never to do it*. Hiding places, or secret coverts, are natural resorts for error. It is, therefore, a circumstance quite sufficient to excite suspicion against the *truth* to see it pursuing such a course. And in republics, where free discussion and full investigation by a virtuous and intelligent people is allowed, there never can be any just grounds to fear any danger even from the greatest errors either in religion or politics. All questions, therefore, relating to the government of a free people, ought to be made known, clearly understood, fully discussed, and understandingly acted upon. Indeed, I do not believe that a republican government can last long, where this is not the case. In my opinion, no man is fit to represent a free people who has any private or secret objects, or aims, that he does not openly avow, or who is not ready and willing, at all times, when required or asked, candidly and *truthfully*, to proclaim to the assembled multitude not only his principles, but his views and sentiments upon all questions that may come before him in his representative capacity. It was on this *basis* that representative government was founded, and on this alone can it be maintained in purity and safety. And if any secret party shall ever be so far successful in this country as to bring the government in all its departments and functions under the baneful influence of its control and power, political *ruin* will inevitably ensue. No truth in politics can be more easily and firmly established, either by reason or from history, upon principle or authority, than this. These are my opinions candidly expressed.

I know that many good and true men in Georgia differ from me in this particular—thousands of them, I doubt not, have joined this secret order with good intentions. Some of them have told me so, and I do not question their motives. And thousands more

will, perhaps, do it with the same intentions and motives. Should it be a short-lived affair, no harm will, or may come of it. But let it succeed—let it carry all the elections, State and federal—let the natural and inevitable laws of its own organism be once fully developed—and the country will go by the board. It will go as France did. The first Jacobin club was organized in Paris on the 6th November, 1789, under the alluring name of “the Friends of the Constitution,” quite as specious as that we now hear of “Americans shall rule America.” Many of the best men and truest patriots in Paris joined it—and thousands of the same sort of men joined the affiliated clubs afterward—little dreaming of the deadly fangs of that viper they were nurturing in their bosoms. Many of these very men afterward went to the guillotine, by orders passed secretly in these very clubs. All legislation was settled in the clubs—members of the national assembly and convention, all of them, or most of them, were members of the clubs, for they could not otherwise be elected. And after the question was settled in the clubs, the members next day went to the nominal halls of legislation nothing but trembling automations, to register the edicts of the “order,” though it were to behead a monarch, or to cause the blood of the best of their own number to flow beneath the stroke of the axe. Is history of no use? Or do our people vainly imagine that Americans would not do as the French did under like circumstances? “Is thy servant a dog that he should do this thing?” said the haughty, self-confident Hazael. Yet, he did all that he had been told that he would do. “Let him that thinketh he standeth take heed lest he fall.” Human nature is the same compound of weak frailties and erring passions everywhere. Of these clubs in France, an elegant writer has said :

“From all other scourges which had afflicted mankind, in every age and in every nation, there had been some temporary refuge, some shelter until the storm might pass. During the heathenism of antiquity, and the barbarism of the middle ages, the temple of a god or the shrine of a saint, afforded a refuge from despotic fury or popular rage. But French Jacobins, whether native or adopted, treated with equal scorn, the sentiments of religion and the feeling of humanity ; and all that man had gathered from his experience upon earth, and the revelations he hoped had been made him from the sky, to bless and adorn his mortal existence, and elevate his soul with immortal aspirations, were spurned as imposture by these fell destroyers. They would have depraved man from his humanity, as they attempted to decree God out of his universe. Not contented with France as subject for their ruthless experiments—Europe itself being too narrow for their exploits, they send their propagandists to the new world, with designs about as charitable as those with which Satan entered Eden.”

This is but a faint picture of some of the scenes enacted by that self-same party, which was at first formed by those who styled

themselves "The Friends of the Constitution." And where did these "secret *Councils*" we now hear of, come from? Not from France, it is true—but from the land of *isms*, where the people would have gone into anarchy long ago, if it had not been for the conservative influence of the more stable minded men of the South? And what scene have we lately witnessed in the Massachusetts legislature, where the new political organism has more fully developed itself than anywhere else. What are its fruits there? Under the name of "The American Party," they have armed themselves against the constitution of our common country which they were sworn to support—with every member of the Legislature, I believe, save *eight*, belonging to "the order," they have, by an overwhelming majority vote, deposed Judge Loring, for nothing but the discharge of his official duty, in issuing a warrant as United States commissioner, to cause the arrest of the fugitive slave, Burns. In reviewing this most unheard-of outrage upon the constitution, the *National Intelligencer*, at Washington, says it "shudders for the judiciary." And if they go on as they have, well may the country "shudder," not only for the judiciary, but for every thing else we hold most sacred. "If these things be done in the green tree, what may you expect in the dry."

But I have been anticipating somewhat. I was on the *preliminary question*; that is, the *secrecy* which lies at the foundation of the party—that atmosphere of darkness in which "it lives, and moves, and has its being," and without which probably it could not exist. I do not, however, intend to stop with that. I will go further, and give, now, my opinions upon those questions which are said to be within the range of its *secret objects and aims*. The *principles*, as published, (or those principles which are attributed to the order, though no body as an organized party avow them,) have, as I understand them, two *leading ideas*, and two only. These are a *proscription* by an exclusion from office of all Catholics as a class; and a *proscription* of all persons of foreign birth as a class; the latter to be accomplished not only by an exclusion from office of all foreigners who are now citizens by naturalization, but to be more effectually carried out, by an abrogation of the naturalization law for the future, or such an amendment as would be virtually tantamount to it. These, as we are told, are the great ostensible objects for all this machinery—these oaths—pledges—secret signs—equivocations—denials, and what not. And what I have to say of them, is, that if these in deed and in truth be the principles thus attempted to be carried out, then I am opposed to both of them, openly and unqualifiedly.

I am opposed to them "in a double aspect," both as a *basis* of party organization, and upon their merits as questions of public policy. As the basis of party organization, they are founded upon the very erroneous principle of looking, not to *how* the country shall be governed, but *who* shall hold the offices—not to whether we shall have wise and wholesome laws, but *who* shall "*rule us*,"

though they may bring *ruin* with their *rule*. Upon this principle, Trumbull, who defeated General Shields for the Senate in Illinois, can be as good a "Know-Nothing" as any man in the late "Macon council," though he may vote, as he doubtless will, to repeal the Fugitive Slave law, and against the admission of any slave State in the Union; while Shields, who has ever stood by the constitution, must be rejected by southern men because he was not born in the country. Upon this principle, a Boston atheist, who denies the inspiration of the Bible, because it sanctions slavery, is to be sustained by Georgia "Know-Nothings" in preference to me, barely because I will not "bow the knee to Baal," this false political god they have set up. The only correct *basis* of party organization is an agreement amongst those who enter into it upon the paramount question of the day. And no party can last long without bringing disaster and ruin in its train, founded upon any other principle. The old national whig party tried the experiment, when there were radical differences of opinion on such questions, and went to pieces. The national democratic party are now trying a similar experiment, and are experiencing a similar fate. This is what is the matter with it. Its vital functions are deranged—hence that disease which now afflicts it worse than the "dry rot." And what we of the South now should do, is not to go into any "Know-Nothing" mummery or mischief, as it may be, but to stand firmly by those men at the North who are true to the constitution and the Union, without regard either to their birth-place or religion. The question we should consider is not simply *who* "shall rule America," but *who* will vote for *such measures* as will best promote the interests of America, and with that the interests of mankind.

But to pass to the other view of these principles—that is, the consideration of them as questions of public policy. With me, they both stand in no better light in this aspect than they do in the other. The *first* assumes *temporal* jurisdiction in "*forum conscientix*"—to which I am quite as much opposed as I am to the *spiritual powers* controlling the *temporal*. One is as bad as the other—both are bad. I am utterly opposed to mingling religion with politics in any way whatever; and especially am I opposed to making it a test in qualifications for civil office. Religion is a matter between a man and his Creator, with which governments should have nothing to do. In this country the constitution guarantees to every citizen the right to entertain whatever creed he pleases, or no creed at all if he is so inclined; and no other man has a right to pry into his conscience to inquire what he believes or what he does not believe. As a citizen and as a member of society, he is to be judged by his *acts*, and not by his *creed*. A Catholic, therefore, in our country, and in all countries, ought, as all other citizens, to be permitted to stand or fall in public favor and estimation upon his *own individual merit*. "Every tub should stand upon its own bottom."

But I think of all the Christian denominations in the United States, the Catholics are the last that southern people should join in attempting to put under the ban of civil proscription. For as a church they have never *warred* against us or our peculiar institutions. No man can say as much of New England Baptists, Presbyterians, or Methodists; the long roll of abolition petitions with which Congress has been so much excited and agitated for years past, come not from the Catholics; their pulpits at the north are not desecrated every Sabbath with anathemas against slavery. And of the *three thousand* New England clergymen who sent the anti-Nebraska memorial to the Senate last year, not one was a Catholic, as I have been informed and believe. Why then should we southern men join the Puritans of the North to *proscribe* from office the Catholics on account of their religion? Let them and their religion be as bad as they can be, or as their accusers say they are, they cannot be worse than these same *puritanical* accusers, who started this persecution against them, say that *we are*. They say we are going to perdition for the enormous sin of holding slaves. The Pope, with all his followers, cannot, I suppose, even in their judgment; be going to a worse place for holding what they consider the monstrous absurdity of "immaculate conception." And, for my part, I would about as soon risk my chance for heaven with him, and his crowd too, as with those self-righteous hypocrites who deal out fire and brimstone so liberally upon our heads. At any rate, I have no hesitancy in declaring that I should much sooner risk my civil rights with the American Catholics, whom they are attempting to drive from office, than with them. But, sir, I am opposed to this proscription upon principle. If it is once begun, there is no telling where it will end. When faction once tastes the blood of a victim, it seldom ceases its ravages among the fold so long as a single remaining one, be the number at first ever so great, is left surviving. It was to guard against any such consequences as would certainly ensue in this country, if this effort at proscription of this sect of religionists should be successful, that wise provision to which I have alluded, was put in the fundamental law of the Union. And to maintain it *intact*, in letter and spirit with steadfastness at this time, I hold to be a most solemn public duty.

And now, as to the other idea—the proscription of foreigners—and more particularly that view of it which looks to the denial of citizenship to all those who may hereafter seek a home in this country, and choose to cast their lots and destinies with us. This is a favorite idea with many who have not thought of its effects, or reflected much upon its consequences. The abrogation of the naturalization laws would not stop immigration, nor would the extension of the term of probation, to the period of twenty-one years, do it. This current of migration from east to west, this exodus of the excess of population from the old to the new world, which commenced with the settlement of this continent by Euro-

peans, would still go on. And what would be the effect, even under the most modified form of the proposed measure—that is of an extension of the period from five to twenty-one years, before citizenship should be granted? At the end of the first twenty-one years from the commencement of the operation of the law, we should have several millions of people in our midst—men of our own race—occupying the unenviable position of being a “degraded caste” in society, a species of serfs without the just franchise of a *freeman* or the needful protection due to a *slave*. This would be at war with all my ideas of American republicanism as I have been taught them, and gloried in them from youth up. If there be *danger* now to our institutions, (as some seem to imagine, but which I am far from feeling or believing,) from foreigners as a class, would not the danger be greatly enhanced by the proposed remedy? Now, it is true, they are made to bear their share of the burthens of government, but are also permitted, after a residence of five years, and taking an oath to support the constitution, to enjoy their just participation in the privileges, honors, and immunities which it secures. Would they be less likely to be attached to the government and its principles under the operation of the present system, than they would be under the proposed one which would treat them as not much better than outcasts and outlaws? All writers of note, from the earliest to the latest, who have treated upon the elements and component parts, or members of communities and States, have pointed this out as a source of real danger—that is, having a large number of the same race not only *aliens* by *birth*, but aliens in heart and feeling in the bosom of society.

Such was, to a great extent, the condition of the Helots in Greece—men of the same race placed in an inferior position, and forming within themselves a degraded class. I wish to see no such state of things in this country. With us at the South, it is true we have a “degraded caste,” but it is of a *race* fitted by nature for their subordinate position. The negro, with us, fills that place in society and under our system of civilization for which he was designed by nature. No training can fit him for either social or political equality with his superiors; at least history furnishes us with no instance of the kind; nor does the negro with us feel any degradation in his position, because it is his natural place. But such would be the case with men of the same race and coming from the same stock as ourselves. And what appears not a little strange and singular to me in considering this late movement is, that if it did not originate with, yet it is now so generally and zealously favored by so many of those men at the North who have expended so much of their misguided philanthropy in behalf of our slaves. They have been endeavoring for years to elevate the African to equality, socially and politically, with the white man. And now, they are moving heaven and earth to degrade the *white man* to a condition lower than that held by the negro in the South. The Massachusetts “Know-Nothing”

Legislature passed a bill lately to amend their constitution, so as to exclude from the polls in that State hereafter all naturalized citizens, from whatever nation they may come; and yet they will allow a *runaway negro slave* from the South the same right to vote that they give to their own native born sons! They thus exhibit the strange *paradox of warring* against their own race—their own blood—even their own “kith and kin,” it may be, while they are vainly and fanatically endeavoring to *reverse* the order of nature, by making the black man equal to the white. Shall we second them in any such movement? Shall we even countenance them so far as to bear the same name—to say nothing of the same pledges, pass-words, signs and symbols? Shall we affiliate and unite ourselves under the same banner, with men whose acts show them to be governed by such principles, and to be bent upon such a purpose? This is a question for southern men to consider. Others may do it if they choose; but, I tell you, I never shall; that you may set down as a “fixed fact”—one of the fixedest of the fixed. I am not at all astonished at the rapid spread of this new sentiment at the North, or, rather, new way of giving embodiment and life to an old sentiment, long cherished by a large class of the northern people, notwithstanding the paradox. It is true “Know-Nothingism” did not originate, as I understand its origin, with the class I allude to. It commenced with the laborers and men dependent upon capital for work and employment. It sprang from the antagonism of their interests to foreigners seeking like employments, who were under-bidding them in the amount of wages. But money capitalists of that section, the men who hold the land and property in their own hands, wishing to dispense with *laborers* and *employees*, whose votes at the polls are equal to their own, seized upon this new way of effecting their old, long-cherished desire—and the more eagerly as they saw that many of the very men whom they have ever dreaded as the insuperable obstacle between them and their purpose had become the willing, though unconscious instruments of carrying that purpose out, which, from the beginning, was a desire to have a *votingless* population to do their work, and perform all the labor, both in city, town and country, which capital may require. And as certainly as such a law shall be passed, so far from its *checking* immigration, there will be whole cargoes of people from other countries brought over, and literally bought up in foreign ports, to be brought over in American ships to supply the market for the labor throughout all the free States of the Union. The African slave trade, if reopened, would not exhibit a worse spectacle in trafficking in human flesh. And those most deluded men of the North who started this thing, and who are now aiding to accomplish the end, may find they have but kindled a flame to consume themselves. The whole *sub stratum* of northern society will soon be filled up with a class who can work, and who, though *white* cannot vote. This is what the would-be lords of that sec-

tion have been wanting for a long time. It is a scheme with many of them to get *white slaves* instead of *black ones*. No American laborer, or man seeking employment there, who has a *vote*, need to expect to be retained long when his place can be more cheaply filled by a *foreigner* who has *none*. This will be the practical working of the proposed reformation. This is the philosophy of the thing. It is a blow at the ballot box. It is an insidious attack upon general suffrage. In a line with this policy, the "Know-Nothing" governor of Connecticut has already recommended the passage of a law denying the right of *voting* to all who cannot read and write. And hence the great efforts which are now being made throughout the North, to influence the elections, not only there, but in spending their money in the publication of books and tracts, written by "nobody knows who," and scattered broadcast throughout the southern States, to influence elections here by appealing to the worst passions and strongest prejudices of our nature, not omitting those even which bad and wicked men can evoke under the sacred but prostituted name of religion.

Unfortunately for the country, many evils, which all good men regret and deplore, exist at this time, which have a direct tendency wonderfully to aid and move forward this ill omened *crusade*. These relate to the appointment of so many foreigners—wholly unfit, not only to minor offices at home, but to represent our country as ministers abroad. And to the *great frauds* and *gross abuses* which at present attend the administration of our naturalization laws—these are the evils felt by the whole country, and they ought to be corrected. Not by a *proscription* of all foreigners, without regard to individual merits; but, in the first place, by so amending the naturalization laws as effectually to check by holding to strict accountability at the polls in our elections and prevent these *frauds* and *abuses*, and, in the second place, all those public functionaries, who, either with partisan views or from whatever motive, thus improperly confer office, whether high or low, upon undeserving *foreigners*, to the exclusion of native-born citizens better qualified to fill them. Another evil now felt, which ought to be remedied, is the flooding, it is said, of some of the cities with *paupers* and *convicts* from other countries. These ought all to be unconditionally excluded and prohibited from coming amongst us. There is no reason why we should be the *feeders* of other nations' paupers, or either the *keepers* or *executioners* of their *felons*—these evils can and ought to be remedied without resorting to an indiscriminate onslaught upon all who by industry, enterprise and merit may choose to better their condition in abandoning the respective dynasties of the old world in which they may have chanced to have been born, and by uniting their energies with ours, may feel a pride in advancing the prosperity, development and progress of a common country not much less dear to them than to us. Against those who thus worthily

come, who quit the misruled empires of their "fatherland," whose hearts have been fired with the love of our ideas and our institutions, even in distant climes, I would not close the door of admission. But to all such as our fathers did at first, so I would continue most freely and generously to extend a welcome hand. We have, from such a class, nothing to fear. When, in battle or in the walks of civil life, did any such ever prove traitor or recreant to the flag or cause of his country? On what occasion have any such ever proven untrue or disloyal to the constitution?

I will not say that *no foreigner* has ever been untrue to the constitution; but, as *a class*, they certainly have not proven themselves so to be. Indeed, I know of but one class of people in the United States at this time that I look upon as dangerous to the country. That class are neither foreigners or Catholics—they are those *natives born* at the North who are disloyal to the constitution of that country which gave them birth, and under whose beneficent institutions they have been reared and nurtured. Many of them are "Know-Nothings." This class of men at the North, of which the Massachusetts, New Hampshire and Connecticut "Know-Nothing" legislatures are but samples, I consider as our worst enemies. And to put them down, I will join, as political allies now and forever, all true patriots at the North and South, whether native or adopted, Jews or Gentiles.

What our Georgia friends, whether whigs or democrats, who have gone into this "new order," are really after, or what they intend to do, I cannot imagine. Those of them whom I know, have assured me that their object is reform, both in our State and federal administrations—to put better and truer men in the places of those who now wield authority—that they have no sympathies as party men or otherwise with that class I speak of at the North, that they are for sustaining the Union platform of our State of 1850, and that the mask of secrecy will soon be removed when all will be made public. If these be their objects, and also to check the *frauds* and correct the *abuses* in the existing naturalization laws, which I have mentioned, without the indiscriminate *proscription* of any class of citizens on account of their birth-place or religion, then they will have my co-operation, as I have told them, in every proper and legitimate way, to effect such a reformation—not as a secretly initiated co-worker in the dark for any purpose, but as an open and bold advocate of truth in the light of day. But will they do as they say? Will they throw off the mask? That is the question. Is it possible that they will continue in political party fellowship with their "worthy brethren" of Massachusetts, Connecticut, New Hampshire, and the entire North? Every one of whom elected to the next Congress is our deadly foe! Do they intend to continue their alliance with these open enemies of our institutions and the constitution of the country under the totally misnamed association of the

"American party," the very principle upon which it is based being anti-American throughout?

True Americanism, as I have learned it, is like true Christianity—disciples in neither are confined to any nation, clime, or soil whatsoever. Americanism is not the product of the soil; it springs not from the land or the ground; it is not of the earth, or earthy; it emanates from the head and the heart; it looks upward, and onward and outward; its life and soul are those grand ideas of government which characterize our institutions, and distinguish us from all other people; and there are no two features in our system which so signally distinguish us from all other nations as *free toleration* of religion and the doctrine of *expatriation*—the right of a man to throw off his allegiance to any and every other State, prince or potentate whatsoever, and by *naturalization* to be incorporated as a citizen into our body politic. Both these principles are specially provided for and firmly established in our constitution. But these American ideas which were proclaimed in 1789 by our "sires of 76," are by their "sons" at this day derided and scoffed at. We are now told that "naturalization" is a "humbug," and that it is an "impossibility." So did not our fathers think. This "humbug" and "impossibility" they planted in the constitution; and a vindication of the same principle was one of the causes of our second war of independence. England held that "naturalization" was an impossible thing. She claimed the allegiance of subjects born within her realm, notwithstanding they had become citizens of this republic by our constitution and laws. She not only claimed their allegiance, but she claimed the *right to search* our ships upon the high seas, and take from them all such who might be found in them. It was in pursuit of this doctrine of hers—of the right of *search* for our "*naturalized*" citizens—that the *Chesapeake* was fired into, which was the immediate cause of the war of 1812. Let no man then, barely because he was born in America, presume to be imbued with *real* and *true* "Americanism," who either *ignores* the direct and positive obligations of the constitution, or *ignores* this, one of its most striking characteristics. As well might any unbelieving sinner claim to be one of the faithful—one of the elect even—barely because he was born somewhere within the limits of Christendom. And just as well might the Jacobins, who "decreed God out of his universe," have dubbed their club a "Christian Association," because they were born on Christian soil. The genuine disciples of "true Americanism," like the genuine followers of the Cross, are those whose hearts are warmed and fired—purified, elevated and ennobled by those principles, doctrines and precepts which characterize their respective systems. It is for this reason that a Kamschatkan, a Briton, a Jew, or a Hindoo, can be as good a Christian as any one born on "Calvary's brow," or where the "Sermon on the Mount" was preached! And for the same reason an Irishman, a Frenchman, a German, or Russian, can be as

thoroughly "American" as if he had been born within the walls of the old Independence Hall itself. Which was the "true American," Arnold or Hamilton? The one was a *native* and the other was an *adopted son*. But to return. What do our Georgia friends intend to do? Is it not time that they had shown their hand? Do they intend to abandon the Georgia platform, and go over, "horse, foot and dragoons," into a political alliance with their open enemies? Is this the course marked out for themselves by any of the gallant old whigs of the 7th and 8th Congressional districts? I trust not, I hope not. But if they do not intend thus to commit themselves, is it not time to take a reckoning and see whither they are drifting? When "the blind lead the blind" where is the hope of safety? I have been cited to the resolution which, it is said, the late Know-Nothing convention passed in Macon. This, it seems, is the only thing that the 600 delegates could bring forth after a two days' "labor"—and of it we may well say, "*Montes parturiunt ridiculus mus nascitur*"—"The mountains have been in labor and a ridiculous mouse is born." It simply affirms most meekly and submissively what no man south of Mason and Dixon's line for the last thirty-five years would have ventured to deny, without justly subjecting himself to the charge of *incivism*—that is, that "Congress has no constitutional power to intervene by excluding a new State applying for admission into the Union on the ground that the constitution of such State recognizes slavery." This is the whole life and soul of it, unless we except the *secret blade* of Joab which it bears toward Kansas and Nebraska, concealed under a garb.

It is well known to all who are informed, that in the organic law of these *territories* the right of voting, while they remain territories, was given to all who had filed a declaration of intention to become citizens. This was in strict compliance with the usual practice of the government in organizing territories; and under this provision that class of persons are now entitled to vote. Kansas, in two elections under this law, has shown that an overwhelming majority of her people are in favor of slavery. Now, then, when Kansas applies for admission as a slave State, as she doubtless will, a southern "Know-Nothing," under this resolution can unite with his "worthy brethren" at the North, in voting against it, upon the ground that some have voted for a constitution recognizing slavery, who had not been "naturalized," but had only declared their intention. For this resolution, in its very heart and core, declares that the right to establish slave institutions "in the *organization* of State governments, belongs to the *native* and *naturalized* citizens," excluding those who have only declared their intention. A more insidious attack was never made upon the principles of the Kansas and Nebraska bill. And this is to be the plank on which northern and southern "Know-Nothings" are to stand in the rejection of Kansas. But the main objection is to the resolution. Why did it

stop with a simple denial of the power of Congress to reject a State on account of slavery? Particularly when it had opened the door for the rejection of Kansas on other grounds by way of *pretext*. Why did it not plant itself upon the principles of the Georgia resolutions of 1850, and say what ought to be done in case of the rejection of a State by Congress because of slavery? So far from this it does not even affirm that such rejection by their "worthy brethren" of the North would be sufficient cause for severing their party affiliation with them for it?

Again, I would say not only to the old whigs of the 7th and 8th Congressional districts, but to all true Georgians, whether whigs or democrats, union men or fire-eaters, whither are you drifting? Will you not pause and reflect? Are we about to witness in this insane cry against foreigners and Catholics a fulfilment of the ancient Latin proverb: "*Quem Deus vult perdere prius dementat!*" "Whom the gods intend to destroy they first make mad!" The times are indeed portentous of evil. The political horizon is shrouded in darkness. No man knows whom he meets, whether he be friend or foe, except those who have the dim glare of the covered light which their *secret signs* impart. And how long this will be a protection even to them, is by no means certain. They have already made truth and veracity almost a by-word and a reproach. When *truth* loses caste with any people—is no longer considered as a virtue—and its daily and hourly violation are looked upon with no concern but a jeer or a laugh, it requires very little forecast to see what will very soon be the character of that people. But, sir, come what may, I shall pursue that course which a sense of duty demands of me. While I hope for the best, I shall be prepared for the worst; and if the "worst comes to the worst," as it may, I shall, in common with my fellow-citizens, bear with patience my part of the common ills. They will affect me quite as little as any other citizen, for I have but little at stake; and so far as my public position and character are concerned, I shall enjoy that consolation which is to be derived from a precept taught me in early life, and which I shall ever cherish and treasure, whatever fortune betides me:

"But if, on life's uncertain main,
Mishap shall mar thy sail,
If, faithful, *firm* and *true* in vain,
Woe, want, and exile thou sustain,
Spend not a sigh on fortune changed."

Yours, most respectfully,

ALEXANDER H STEPHENS.

HON. THOMAS W. THOMAS, *Elberton, Ga.*

SPEECH AT THE CITY HALL, IN AUGUSTA, ON THE
OCCASION OF HIS ANNOUNCING HIMSELF A CANDIDATE FOR RE-ELECTION TO CONGRESS IN 1855.

FELLOW CITIZENS: Two years ago, or a little less, I appeared before you, in the same place where I now stand. I had been put in nomination for Congress informally, by a portion of the people in this, as well in several other counties of the district. In responding to that call, on that occasion, I stated, as many of you doubtless recollect, that I had no pledge to give, except that if I should be returned, it would be my utmost endeavor so to discharge my duties as your representative, that no man in the district, or in the State, whether whig or democrat, should, upon the expiration of my term of office, have just reason or cause to say, that his rights, interest, or honor, or the rights, interest, or honor of Georgia, had suffered detriment at my hands. With this pledge I was elected. The term of office to which I was so chosen expired the 4th of March last. My acts, as your representative, are known to all of you; they have been subjected to the most rigid scrutiny; and before proceeding further with what I have to say this night, I wish to ask if there is a man in this very large assembly, called together without distinction of party, who feels that the pledge then given has not been redeemed? Is there a whig here, or a democrat, or a "know-nothing," or an "anti know-nothing"—a Protestant, or a Catholic—a native, or a naturalized citizen, who will say that he feels that his rights, interests, or honor, or the rights, interests, or honor of the district or State, as far as they were committed to me, have sustained injury in my hands? If so, let him speak. Let him name in what I came short of duty, or what single act I did, of which he has cause to complain? I pause for a reply! No one answers. Then may I not be bold enough to presume that my public conduct during the official term which is now terminated, meets the approbation of all?

[Here a suggestion was made to Mr. Stephens to go to the front steps of the Hall, as a great many persons were outside and could not get in, who were desirous of hearing. To this Mr. Stephens said: he would greatly prefer to speak in the house, but, as he wished all to hear, he would leave it with the audience; in this matter as in all others he would *cheerfully bow* to the will of the people, even if it were against his own. The desire for him to go to the steps being very generally expressed he acquiesced, and proceeded to the front steps of the Hall, where he continued his remarks as follows:]

Fellow Citizens:—In obedience to the general wish, and that all may hear, I shall proceed with what I have to say as soon as you get composed. I cannot, however, speak to you as I wish,

standing as we are in the dark—I always like to see the faces of people I address and to look them in the eye. I had just put a question to those in the large room within, whether there was whig or democrat, or any man in the 8th Congressional district present, be his politics what they may, who upon a review of my public conduct as his representative in the Congress terminated last March, can say that he has cause for aught to complain against me? Had his rights, interest, or honor, suffered in my hands? To this question thus put, there was no one there who said that they had. The same question I now repeat to this much larger multitude without. If there be one here who has aught to complain against me, in the redemption of the pledge made two years ago, let him now speak? No one says that he has. Let the past, then, be considered as settled. No representative could ask for more than that his official conduct should meet with universal approbation. So much then for the past—I come now to the present and the future.

Since the termination of my official relation to you as representative, new questions, new issues, new principles, and new combinations of parties, for new objects and purposes, have become the absorbing themes of political agitation and excitement. As I differed on these new questions and issues with many of my old friends, who were still looking to me, as they informed me, as their next representative in Congress, I felt it no less due to them than to myself to let them know that I could never consent to be their representative to carry out these new purposes, principles, and objects as far as I was enabled to understand them. A strong sense of duty required me to retire from a position where it might be supposed that I would even hold office conferred by those who consider these *new questions and issues as the paramount questions* of the day. This I did. My position was made known, and my opinions on these questions were fully given in a letter to a friend, with which you are all familiar. Since the publication of that letter, I have been appealed to by several, who inform me that they belong to the “New Order,” as it is called, and who say, that while they disagree with me in many things in the letter, yet they look upon all those questions as of minor and secondary importance when compared with others that will most probably arise in the next Congress, on which they do agree most fully and heartily with me; and that it is their desire that I shall be their representative again, notwithstanding this difference of opinion. Besides these, I have received a great many urgent appeals not only from old political associates outside of the order, but from those who have heretofore been opponents, to allow my name to go again before the people of the district for re-election. This class agree with me not only upon what should be *the paramount questions* of the day, but also upon—the principles set forth in my letter to Colonel Thomas. These appeals, from these different sources, have not been without their

effect upon me. But other considerations have also contributed in producing that determination in response to these various calls, which it is my purpose on this occasion to announce to you. I have heard that it has been said that I had declined being a candidate because a majority of the district were "Know-Nothings," and I was *afraid* of being *beaten*. Now, to all such who entertain any such opinion of me, I wish to say that I was influenced by no such motive. [I am *afraid* of nothing on earth, or above the earth, or under the earth, except to do wrong—the path of duty I shall ever endeavor to travel, "fearing no evil," and dreading no consequences. ~~Let time-servers, and those whose whole object is to see and find out which way the popular current for the day and the hour runs, that they may float upon it, fear or dread defeat if they please.~~ I would rather be *defeated* in a good cause than to *triumph* in a bad one. I would not give a *fig* for a man who would shrink from the discharge of duty for fear of defeat.] All is not gold that glitters; and there is no telling the pure from the base metal until it is submitted to the fiery ordeal of the crucible and the furnace. The best test of a man's integrity and the soundness of his principles is the furnace of popular opinion, and the hotter the furnace, the better the test. From that test I have never shrunk and never shall. All that I wanted after my principles were made known to the people, was to be satisfied that any portion of them in the district—as small even as Gideon's hosts of three hundred—desired me to go before the district with these principles and in advocacy of them; before them I was willing to fall, if the people so said. Bare success, depending often upon the fickle goddess of fortune, or luck, or chance, or even temporary delusion, is not a divinity at whose shrine I pour oblations.

Having been satisfied, therefore, that there are three hundred who do thus desire me to be a candidate again, and also to let those who seem to know so little of me or the motives by which I am governed, understand that I am not *afraid* to run or *afraid* to do any thing that I may think right, whether it is attended with success or defeat, I am here to-night. I have travelled from a distant part of the State where I *first* heard these floating taunts of fear—as having come from this district—for the sole and express purpose of announcing to you, one and all, and in this most public way, to announce to the other counties, without distinction of party, that I am again a candidate for Congress in this district. The announcement I now make. My name is hereby presented to the district. Not by any convention under a majority or a two third rule—but by myself. Do with it as you may each of you think proper. [I have no other pledge or promise to give but the one given before—that is, if I should be elected, I shall endeavor to discharge my duties as that no man in the district shall have just cause to feel that his rights, interests or honor have suffered injury in my hands at the expiration of my

term of office; or that the rights, interests or honor of our common State have sustained injury, so far as they may be committed to me as one of the representatives.]

I know, fellow-citizens, that many of you differ with me upon those exciting questions, which are now dividing—and most unhappily, too, as I conceive—dividing our people. I know, too, what a difficult and unpleasant task it is to speak to a people in opposition to the strong inclinations of their minds—not to say settled convictions, prejudices and fixed judgments. But I should be untrue to you as well as myself this night, if I did not say something to you upon these questions. Many of you, I doubt not, perhaps most of you, from what I have heard, belong to the “new order.” I have therefore before me the very unpleasant and difficult task alluded to. To go with the current is often the “*facilis descensus averno*.” But to oppose it, “*hic labor est*.” How few will undertake it! History furnishes us with but few instances. It is easy to join the shouts of the multitude, but it is hard to say to a multitude that they are wrong. When Themistocles conceived the proposition of burning all the fleets of the other Grecian States by *stratagem*, so that Athens might hold dominion over the seas, he desired that his scheme might be submitted to the judgment of Aristides. This, by general accord was granted, for all had the most unbounded confidence in the integrity, as well as wisdom, of the man to whom the question was referred. Had Aristides courted popular favor then at the expense of right, how easy was the road to attain it. But hear his judgment:

“Oh, Athenians! what Themistocles purposes would be greatly to the advantage of Athens, but it would be unjust!”

He was a man who dared to speak the truth to a people against what appeared to be their temporary interest. And in his noble vindication of the right against the wrong policy proposed at that time, he prevailed. Now in the same spirit I wish to say to all of you who are in “this order,” that the whole movement, in my opinion, is wrong; wrong in its aims and objects, wrong from beginning to end, and exceedingly unjust. I wish no man to consider me as intending to be personally offensive in any thing that I may say. I would talk to you, not only as a friend, but as a brother, upon this subject. Your numbers here, or in the district, make no difference; I would be willing to go into one of your lodges or councils, where every man would be against me, if I could be admitted without first having to put myself under obligations never to tell what occurred therein, and there speak the same sentiments that I shall utter here this night. Bear with me then, while I proceed. Don't think or imagine that I make any personal application of any remark or illustration that may seem to be offensive. Many of my best friends on earth are in your order, and besides this, no man who knows me can believe

that I would, without provocation, intentionally offend any mortal on earth. It is not my nature to do it. I believe you are in pursuit of a great wrong, and I must tell you so. Discriminate, if you please, between yourselves and the thing spoken of—

“Vice is a monster of such frightful mien
As, to be hated, needs but to be seen.”

It is to exhibit and hold up even to yourselves the great evils and dangers to be apprehended from this “new,” and (I think) most vicious political “monster” that I would address you—and against the influences of which I would warn and guard *you*, as well as the rest of our people. And I would do it with the same earnestness that I would warn and entreat the best friends in the world, to beware of the insidious and poisonous serpent, he might be fostering in his bosom. For as of “vice,” so it may be with this—“new order:”

“Yet, seen too oft, familiar with her face,
We first endure, then pity, then embrace.”

And with the general embrace by the people of this country, comes, in my opinion, political ruin and death. My views on this subject have been given in the letter alluded to. But as I have seen some remarks and criticisms on the views thus presented by anonymous writers, who spout of me in the dark through the newspapers, their names and characters being unknown, I will take this occasion to notice some of them, not so fully perhaps as I shall on some future occasion. Several complain most bitterly that I compared the machinery of this organization to the Jacobin clubs of France. And one undertakes to correct me in a point of history as to the first name assumed by that order. He says it was not the “Friends of the Constitution,” but the “Friends of the Revolution.” In this I may be contradicted but not corrected. The first society instituted in Paris, which, afterwards, became the society of the Jacobins, was organized under the specious name of the “Friends of the Constitution.” Let this anonymous writer produce his authority—Thiers is mine. Again, he says I complained of the secrecy of the principles of the party, and yet soon found out that one of the principles of the party was that “Americans shall rule America.” I found out no such thing. On the contrary, I showed that (if what was *attributed* to them be true, but of which there was *then* no reliable information within my knowledge) while they assumed the specious *title* of “Americans shall rule America,” yet they aimed at putting a large class of as good and as true native Americans as the writer himself, under the ban of civil proscription. Are not the descendants of Catholic Marylanders as much American by birth as the New England descendants of the Puritans that landed on Plymouth rock? While the specious outside title of the party is, that “Americans shall rule America,” when we come to look at its *secret* objects as they

leak out, we find that one of its main purposes is not that "Americans shall rule America," but that those of a particular religious faith, though as good *Americans* as any others, shall be *ruled* by the rest.

But it is said, "the proscription is not against a religious but a political enemy. The Romish church being as much a political party as the abolitionists are; far more dangerous, because more powerful." Was a bolder assertion, without one fact to rest upon, ever attempted to be palmed off upon a confiding people? The Romish church a political party? Where are its candidates? How many do they number in our State legislatures or in Congress? What dangers are they threatening, or what have they ever plotted? Let them be named? More dangerous than the "Abolitionists!" How, when and where? Was it when Lord Baltimore, a Catholic, established the colony of Maryland, and for the first time on this continent established the principle of free toleration in religious worship? Was it when Charles Carroll, a Catholic, signed the Declaration of Independence? or do the dangers arise from the fact, that the Catholics of New England will not join certain Protestants there in waging a war against the South, and what they denounce as "the *sin* of slavery?" That they have not, and do not join in this *crusade* against us is admitted. It cannot be denied. Of the three thousand New England clergymen who sent the anti-Nebraska memorial to the Senate last year, *not one was a Catholic*. I stated as I had been informed and believed, and now state again. But the reason assigned for this by one of my assailants is, that these *Christian* ministers could not, "with self-respect," ask a Catholic to unite with them in it. Well, if this was the reason, and if, as the same writer says, they are more dangerous to us than the abolitionists, backed by these Christian ministers who have so much self-respect—why did they not get up one of their own? Why have they never gotten up one yet? But the time, says the writer, has not yet come for the Catholics to act in this matter. Well, then, let us wait until it does come. The time for them to act has not yet come. That, I expect is much nearer the truth as to the reason why none of their names were on the anti-slavery memorial, than any sense of "self-respect" which prevented those who did sign it from asking their co-operation. But the time for the *abolitionists*, and the three thousand Protestant clergymen to act—and to act most hostilely, dangerously, and *unchristianly* against us, *has come*. This is not denied. The dangers from these are pressing upon us. Let us then put them down, even with Catholic aid, if we can. The other dangers we are told of, exist only in conjecture. They may come—this is all that can be said of them; but if a fire were raging in one part of your city, how unwise would it be to draw off your engines and all means for extinguishing it, and start to a remote place where all was as yet safe, to guard that point merely because a fire might break out there? But it is said that great danger is to be appre-

hended from the Catholics, because of a "secret order" amongst them, known as Jesuits.

"No one," says this writer, "knows, or possibly can know, the extent of their influence in this country. One of them may eat at your table, instruct your children, and profess to be a good Protestant, and you never suspect him. Their great aim is to make their mark in America. Perjury, to them, is no sin, if the object of it be to spread Catholicism or acquire political influence in the country."

Whether this be true of the Jesuits or not, I cannot say. But I submit it to the consideration of candid minds, how far it is true of the "new order" of "know-nothings," which is now so strenuously endeavoring to make its mark in America, and to gain political influence in the country, not only by putting down all foreigners, and all native born citizens who may be of Catholic faith, but also all other native born citizens who will not take upon their necks the yoke of their power. Do not hundreds and thousands of them go about daily and hourly, denying that they belong to the order, or that they know any thing about it? May they not, and do they not "eat at your table," attend your sick, and some of them preach from your pulpits, and yet deny that they know any thing about that "order," which they are making such efforts to spread in the land? I do not say all of them do this—but is it not common with "the order" thus, by some sort of "equivocation and slippery construction," to mislead and deceive those with whom they converse? By way of excuse for all this, we are told that our Saviour, on more occasions than one, enjoined on those whom he addressed, "to see thou tell no man." But it is one thing not to speak, and quite another to speak falsely or untruthfully. Our Saviour never told his disciples or others, to misrepresent, to deceive, or to deny the truth. Whether thus to deceive, equivocate, and prevaricate be one of the obligations of this "new order," which is to effect such reformation in morals and government amongst us, and "to put an end to the reign of small men and suppress corruption," I know not, but that it is one of the general effects of the institution wherever it gains a foothold, all must admit. You know it is so. A question was once propounded to our Saviour, which he never answered. It was put by Pontius Pilate soon after he was *betrayed* by Judas Iscariot under the *secret sign* of a kiss, and just after Peter denied that he belonged to the "order" or society of his disciples. The question was, "What is truth?" He did not answer it. He had but a little while before been *betrayed* by one of the twelve, and another had just *denied* that he knew him. The same question I put to you, fellow-citizens, this night—"What is truth?" Were I to answer it, I should say it is the foundation of all virtue, all religion, all integrity, all honor, and every thing valuable in human character, human society, and man's civilization. There is nothing worse that can be said of any man or any people indicating a destruction of morals or personal degradation, than that "the *truth* is not in

him." It is the life and soul of all the virtues, human or divine. Tell me not that any party will effect reformation of any sort, bad as we now are, in this land, which brings into *disrepute* this principle, upon which rest all our hopes on earth, and all our hopes for immortality. And my opinion is, that the Protestant ministers of the gospel in this country, instead of joining in this New England puritanical proscriptive *crusade* against Catholics, could not render a better service to their churches, as well as the State, in the present condition of morals amongst us, than to appoint a day for every one of them to preach to their respective congregations from this text, "what is truth?" Let it also be a day set aside for fasting, humiliation, and prayer—for repentance in "sack-cloth and ashes"—on account of the alarming prevalence of the enormous sin of lying!—I speak strongly, earnestly, and fervently, because I so feel. I speak plainly, too, because the times require it. Was there ever such a state of general distrust between man and man before? Could it ever have been said of a Georgia *gentleman*, until within a few months past, that "he says so and so," but I don't know whether to *believe* him or not? Is it not bringing Protestantism, and Christianity itself, into *disgrace*, when such remarks are daily made (and not without just cause) about church communicants of all our Protestant denominations?—and by one church member even, about his fellow-member? Where is this state of things to lead to, or end, but in general deception, hypocrisy, knavery, and universal treachery? Unless this great monster *vice* of the day is held up to the public gaze that it may be *seen*, looked at, *hated*, and abandoned speedily, as it ought to be.

But it is said again, that David and his men kept secret from Saul—that Moses was at the head of a secret movement when he delivered Israel from Egypt—that Alfred the Great rescued his country in a similar manner from the domination of the Danes—that Samuel Adams and others, habited like Indians, in 1773, struck the first blow for American independence. This may all be true—but they were all *revolutionary* movements. When any people have cause for revolution in their government, *secrecy*, and even *conspiracy* may be justified; but not until then. How is it here? Is revolution the object? If so, the analogy may hold good; not otherwise. Our government is founded upon public virtue, public intelligence, and public integrity. Why then withhold any proposed measure from the scrutiny of public, open, and fair discussion? Why say that the principles of a party are published, when the very existence of the party is denied by most of its members? Who could believe or trust a party so discredited by their own words? The tyranny of old parties is the excuse for this. Tyranny! Tyranny indeed! Was ever such *tyranny* heard of in any old party in this country as that which this "new order" sets up? They attempt not only to tie up the consciences of their members, and bind them by obligations strong as oaths, but to control their liberty as freemen to vote as they please—

this is apparent from their *ritual*, which has come to the light (not, however, by their consent), and which I had not seen when my letter was written. In this we see that by the second degree each member is sworn to vote as the majority may order, even against his own preference and judgment. In the old parties, in their greatest corruption, a conformity with the will of the majority was altogether optional. But in this new party all option, all discretion, all right of preference in voting possessed by freemen, is taken away—or attempted to be taken away by a previous oath. Was *tyranny* ever more exacting or more monstrous in subjecting the will—the free choice of its victims to its humor and control? But the first degree, as it is called, is that which aims the most fatal blow at the principle on which our government was founded. It is this which marks the movement, whatever men may think of it, with a *revolutionary* character. In taking this very first step, the members of the party are required to agree and swear to make a *test* as to qualification for office, which the constitution of the United States provides shall not be made. Members of the order may deny it and say, as some do, that they “are pledged for religious freedom to every church; be it Catholic or Protestant.” But every one of them knows—and whether they deny it or not, there is a secret monitor within, that tells them they have pledged themselves never to vote for any Roman Catholic to any office of profit or trust? They have thus pledged themselves to set up a religious test in qualifications for office against the express words of the Constitution of the United States? The words of the constitution are:

“But no religious *test* shall ever be required, as a qualification to any office or public trust under the United States.”

“And the Lord commanded the man, saying, of every tree of the Garden thou mayest freely eat, but of the tree of the knowledge of good and evil thou shalt not eat of it, for in the day thou eatest thereof thou shalt surely die.”

So of all the reasons you may have or objections or disqualifications in the selection of men to office or places of public trust under the United States. You may make any other *test* but this *religious test*—the *test* of “*good and evil*” in the conscience of men—that you cannot make under the constitution—that *test* our great lawgivers—with Washington, the father of his country, at their head said “shall not be required,”—this is the *forbidden fruit*—of it thou shalt not eat and live.

Their very organization is not only anti-American, anti-republican, but at war with the fundamental law of the Union, and, therefore, revolutionary in its character—view it as you will, what is it but an attempt to nullify and practically to destroy this provision of the constitution?” Thus silently and secretly to effect for all practical purposes a change in our form of government. And what is this but revolution? Not an open and manly rebel-

lion, but a secret and covert attempt to undermine the very corner stone of the temple of our liberties? I have no idea that you who hear me and thousands of others who have unwittingly gone into this organization, took any such view of the subject, and perhaps do not even now. But what else can you make of it? How can you make that or any thing a *test* for office which the constitution says shall not be made a *test* without violating both the letter and spirit of that instrument.

This movement, fellow-citizens, as little as you may think of it, is *revolutionary* in its character. And though at first appearance it may seem to be a very peaceful and bloodless revolution, yet the "end" is to come after. It is the first step in this country since the adoption of the constitution, which, if followed up, will lead inevitably to civil war, and ultimately to an overthrow of this government. It proposes to put a large class of as true native born citizens as any in the United States, under the *ban of civil proscription*. And whenever any government denies to any class of its citizens any equal participation in the privileges, immunities, and honors enjoyed by all others, it parts with all just claims to their allegiance. Allegiance is due only so long as protection is extended; and protection necessarily implies an equality of right to stand or fall, according to merit, amongst all the members of society or the citizens of the commonwealth. When native Catholics, therefore, or any other class of citizens, be they Methodist or Baptist or Presbyterian, are *practically* denied the equality of right in the administration of their government, they will naturally become its enemies; and they ought to—the result, sooner or later, will be strife—civil discord and civil war. Men so situated sooner or later will fight; the best of our Protestant friends, under like circumstances, would fight too. For the best of men, after all, have enough of the old leaven of human nature left about them to fight when they feel aggrieved—outraged and trampled upon; and strange to say, when men get to fighting about religion they fight harder, and longer, and more exterminatingly than upon any other subject. The history of the world teaches this. Many of the bloody wars that rest as a blot and stain upon Christendom attest it. The tendency of this movement, therefore, so far as this branch of it is concerned, is to civil war—just as inevitably as a collision of two engines meeting on your railroad track, unless checked in their progress. It is the first movement of the kind since the formation of our government. Already we see the spirit abroad which is to enkindle the fires and set the faggots ablazing—not by the Catholics—they are comparatively few and weak; their only safety is in the shield of the constitutional guarantee; minorities seldom assail majorities; and persecutions always begin with the larger numbers against the smaller. But this spirit is evinced by one of the numerous *replies* to my letter. He says: "We call upon the children of the Puritans of the North and the Huguenots of the South, by the

remembrance of the fires of Smithfield and the bloody St. Bartholomew, to lay down for once all sectional difficulties," etc., and to join in this great American movement of proscribing Catholics. What is this but the tocsin of intestine strife? Why call up the remembrance of the fires of Smithfield, but to whet the Protestant appetite for vengeance? Why stir up the quiet ashes of bloody St. Bartholomew, but for the hope, perhaps, of finding therein a slumbering spark from which new fires may be started? Why exhume the atrocities, cruelties, and barbarities of ages gone by from the repose in which they have been buried for hundreds of years, unless it be to reproduce the seed and spread amongst us the same moral infection and loathsome contagion? just as it is said the *plague* is sometimes occasioned in London by disentombing and exposing to the atmosphere the latent *virus* of the fell disease still lingering in the dusty bones of those who died of it centuries ago?

Fellow-citizens — Fellow-Protestants — Fellow-Americans—all who reverence the constitution of your country, I entreat you, and I invoke you to give no listening ear to such fanatical appeals. These sleeping embers, if stirred, may kindle fires that you cannot extinguish, but in which you yourselves and all you hold most dear, may be consumed. It was to guard against all such scenes as were witnessed at Smithfield, and such butcheries as were inflicted upon poor, inoffensive Catholics in their turn by infuriated Protestants, that that wise provision was put in our constitution, with the view of forever excluding religion from politics. As long as the constitution shall be preserved and maintained in its letter and spirit on this subject, such scenes can never occur with us. What is the chiefest of all our liberties that we boast of but that every man in this country can sit down under his own vine and fig tree and worship God as he pleases, while there is none to molest or make him afraid? Why is it that on each Sabbath morning in your city, you see the various congregations assembling peaceably and quietly to their respective churches—some to the Baptist, some to the Methodist, some to the Presbyterian, some to the Episcopal, some to the Catholic, and some doubtless to various others, but all to their own liking; and after service, returning in the same quiet, peaceful, and Christian manner to their homes? Why are such scenes witnessed every seventh day in the week throughout this confederacy of States? It is not so in other countries, and why is it so in this? And why has it been so ever since the government was formed? It is because of that provision in our constitution which secures the right of conscience, and banishes from this land the fell demon of religious intolerance. The object of this movement is to *nullify* that provision—to strike it down—to *paralyze*, if not to cut off this strong arm, outstretched for the protection of all. It was put there by Baldwin, the Pinckneys, Madison, Hamilton, and Washington. Were they "small men," "demagogues," and

"tricksters," or am I to be denounced as a "small man," "a demagogue," and "trickster" for upholding, maintaining and defending what they, in their profound wisdom and far-reaching forecast, saw was necessary? Be not deceived. Be not tempted. Let not this, our American Eden, be the theatre of another fall. Recollect that the great arch enemy of the moral government of the universe approached our common mother, Eve, in the garden of innocence, under the guise of a serpent, the subtlest of all animals. He approached her, too, with a lie in his mouth. He said, to her, that if she eat of the forbidden fruit "thou shalt not surely die." She believed him—she was deceived—she ate—she fell, and with "her fall came all our woes." Our great lawgivers, Washington, the father of his country, at their head, have said "But no religious *test* shall ever be required as a qualification to any office of public *trust* in the United States." Will you obey his precepts, and follow those who adhere to them, or will you yield to that most fatal temptation with which you are at this time beguiled?

The blow that is now being aimed at your ablest and most experienced public men—your best statesmen—under the cry of "small men," "demagogues," and "party tricksters," is not the least ominous of the signs of the times. Nor is it a very modern movement either. There was one of the sort in England once; Jack Cade was at the head of it there; the first step in his revolutionary attempt was to set aside all who knew more of the laws of the realm than he or his associates did. Rome also was the theatre of many such movements. France has had many of them too. But Greece, to which reference has been made by one of these "know-nothing" writers, is the last country in the world that those who raise this cry of "down with public men, however long tried and found worthy," should point us to. It is true, when we cast our eyes upon the land of Homer and Plato, we see

"'Tis Greece, but living Greece no more."

We recollect that it is there that liberty once flourished—that there heroes fought, and poets sung, and philosophy reared her temples of arts and sciences, while statesmen directed public affairs. But we recollect, also, that the day of her fall was preceded by just such movements as the present, which unfortunately succeeded in persuading the people to ostracise some of her ablest and best men, and to give *hemlock* to others. It was then that political ruin and moral desolation came upon her. And the same result may be expected to come upon us when the same policy is pursued. When the words of wisdom are no longer listened to—when the oldest and most faithful sentinels upon the watch-towers are removed—when the principles of the constitution are disregarded—when those "checks and restraints," put in it, as Mr. Madison has told us, for "a *defence* to the people against their *own temporary errors and delusions*,"

are broken down and swept away—when the whole country shall have been brought under the influence of the third degree of this “know-nothing” order, if that time shall ever come, then, indeed, may the days of this Republic, too, be considered as numbered. And, then, some wandering bard, in contemplating what we now are, in connection with what we shall then be, may well exclaim, as one did of Greece,

“Shrine of the mighty! can it be,
That this is all that remains of thee!”

I wish to say something to you about this third degree—the Union degree as it is called. For under this specious title, name, or guise, the arch-tempter again approaches us, quite as subtly as under the other of “Americans shall rule America.” The obligation taken in this degree is “to uphold, maintain, and defend” the *Union*, without one word being said about the *constitution*. Now, as much as we all, I trust, are devoted to the Union, who would have it without the constitution? This is the life and soul of it—this is its animating spirit. It is this that gives it vitality, health, vigor, strength, growth, development, and power. Without it the Union could never have been formed, and without it, it cannot be maintained or held together. When the animating principle of any living organism is extinguished, this is death, and dissolution is inevitable. You might just as well expect that the component parts of your bodies could be held together by some senseless incantations after the vital spark has departed, as that this Union can be held together by any “know-nothing” oaths when the constitution is gone. The basis of the Union is the constitution. The first degree of this new order, I have shown, strikes down one of the main pillars of that stately fabric. That pillar is religious toleration. It also strikes at another, which is the principle of expatriation and *naturalization*. The second degree strikes at the independence of every freeman who takes it, by an attempt to deprive him of the power to exercise his own free will in the choice of his rulers. But the third is worse even still; for it proposes that, which, in effect, would be to transfer the destinies of this country not to the constituted authorities under the constitution, but to the irresponsible body of a grand national know-nothing council, whose mandates are to be obeyed, and whose decrees are to be carried out, let come what may. This same writer, to whom I have alluded, and who leads the van in this *crusade* against me, says in his reply to my letter, “We would just as soon trust our political destinies in the hands of the national council of know-nothings as in the Congress of the United States.” Are the people of this country prepared for this? Are *you* prepared for this? If not, “awake, arise, or be forever fallen!” For to this complexion it is coming fast. The constitution is to be *ignored*. It is to be done away with. Congress is to be done away with, except in so far as its members

may be necessary, as the dumb instruments for registering the edicts of an invisible but all-powerful oligarchy. We are to have an "*Imperium in Imperio*." Our present government is to be paralyzed by this boa constrictor, which is now entwining its coils around it. It is to be supplanted and displaced by another self-constituted and *secretly* organized body to rise up in its stead—a political "monster," more terrible to contemplate than the seven-headed beast spoken of in the Apocalypse. Under this new organization how would you stand? Should your rights be assailed, or your lives, liberty, and property be put in jeopardy, where would be your remedy or redress? Under this third degree, your hands would be tied! Like sheep, you would be led to the slaughter, or like Sampson, when shorn of his strength, you would be delivered over, "bound hand and foot," to the Philistines. Your strength is in the constitution; with it you are powerful and invincible; without it you are weak and impotent. Suppose that during next Congress, Kansas shall apply for admission into the Union, which is not improbable, as a slave State, and she should be rejected in violation of the constitution on account of slavery, as she certainly will be if the northern know-nothings can have their way? For there is not a single know-nothing elected to the next Congress from the entire North who will vote for her admission on such application. In the event of her rejection, then, what will you or can you do, if you and your public men are bound by the obligation of this third degree?

This brings us to the consideration of those graver and far more important questions which affect foreign-born naturalized citizens. Gen. Shields, one of these Senators from Illinois, who thus maintained the constitution and our rights under it, is a foreigner himself—a son of the Emerald Island. His eyes first saw the light in the land of Curran, Grattan and Emmett; but his feelings on that account were not less ardent for the institutions of his adopted country. Since then he has been beaten, not only for giving that vote, but because he was not born in this country; and his seat has been filled by the native "*know-nothing*," anti-Kansas, free-soiler Trumbull! Now, with whom should we affiliate politically! With the gallant Shields and his associates, "who fighting fell, and falling fought" the battles of the constitution, or with his successor, whose votes upon all similar questions will doubtless be hostile to us? If the votes of foreigners who are crowding in the new States of the northwest give us such senators, it, in my opinion, *should be paramount over and above all others* with us at this time. For, are all the dangers which even by possibility may be conjectured from the influence of Catholics and foreigners in our country, to be compared with those which are now pressing upon us? And being pressed, too, by the leading spirits at the North of this know-nothing movement, which southern men are invoked to join? On such questions, involving not only our own peace and quiet

but the peace and quiet of the whole country, and the very existence of the Union itself, with whom should we ally ourselves—with our friends or our enemies? What says the dictate of patriotism, good sense, and duty? Were there no other considerations, this one alone would be sufficient with me in determining my course. I would not join the know-nothings, if for no other reason but the odium of the northern alliance. I know that the effort is being made at this time to make the southern people believe that the foreign vote, as it is called, in the United States, is cast with the *abolitionists*—that foreigners, as fast as they flock to our shores, are transported to the northwest, where they are naturalized, and thus “manufactured” into *free-soil voters*. This is done to get up a counter feeling; but it will not do, for the fact is not as stated. Some *foreigners* may be *free-soilers* and *abolitionists*—and some doubtless are—but it is an undeniable truth, that the great majority of the foreign-born voters in this country have, on these questions, always cast their votes on the side of the constitutional rights of the South. Coming to our country from distant climes, in anticipation of the blessings of good government which they promised themselves to be able to enjoy here, a large majority of them have always been true to the constitution from which alone those blessings can flow. This is particularly the case in the northwest, the section generally referred to. To that section we are now mainly indebted for all our aid on constitutional questions. All New England gave us but two votes for the Kansas bill in the House, and three in the Senate; while Indiana alone gave us five in the House and two in the Senate; and Illinois three in the House and two in the Senate; and Iowa one (half she had) in the House and two in the Senate. And every one of these, members as well as senators, owed their election, to a considerable extent, to this class of voters. Jones and Dodge of Iowa, Bright and Pettit from Indiana, Cass and Stuart from Michigan, Shields and Douglas from Illinois—and such men as the two Allens, Harris and Richardson in the House, from Illinois, are sustained by them. Then we have no reason to complain of them; nor have the true friends of the constitution and the Union in any part of the United States, any reason to complain of them. These members and senators may all have been indebted to a considerable extent for their election to the same class of voters; but they are not *free-soilers*, though they may be *foreigners* by birth.

Under these circumstances then, fellow-citizens, what ought we to do? My position is that we should, without any regard to past or present party organization, in a national point of view, stand by those men at the North who stand by the constitution, and who thus standing, must necessarily stand by us and the Union—be they native or naturalized, Protestant or Catholic, whig or Democratic—I do not include the northern know-nothings, for there is not one of the class I mention in their crowd—no, not one, that I have ever heard of; but if there is I would embrace him too. I know it has been asserted that some of the Boston

know-nothings are sound upon these constitutional questions. And the same writer I have so frequently alluded to, who replied to my letter, has said that thirty-one guns were fired the other day, in Boston, when the bill of the know-nothing legislature of Massachusetts, deposing Judge Loring for issuing the warrant for the arrest of the fugitive slave Burns, was vetoed by the governor. But I have yet to learn that there was a single know-nothing gun in that number. They were doubtless fired by the same men, or men with like spirits, hearts, and sentiments with those who made Boston Common quake with a *hundred rounds* when the Kansas bill passed. These are the men who still breathe the Old Bunker Hill atmosphere; these are the men I will stand by—they are true to the constitution with all its guaranties. Men of like patriotism are to be found throughout the entire North. And if the whole South would but discriminate, and stand in solid body by those at the North, and those only, who do stand by the constitution and all its guaranties, then we should have nothing to fear, either for the Union or our rights under it. This was the principle and basis upon which the Georgia resolutions of 1850, or the Georgia platform, as it is called, was enacted. Without wishing to speak much of myself, I may be permitted to say, as part of the history of the times, that I aided in the construction of that platform; I was a member of the convention that formed it; I took my position on it then, and have never abandoned it, and never shall. Even before the convention met—during the canvass preceding the election of members to it—I advanced the same principles from the same place I now stand. There were many then whose ardor and zeal, in my opinion, were a little ahead of the “sober second thought”—they were for something more energetic; they believed that the whole North had become unsound and untrustworthy; that the fugitive slave law would never be executed, and that the time for the South to act had come. Others of us thought differently. We told them that the fugitive slave law would be executed; that while the Utah and New Mexico bills did not go as far as we wished, yet they contained nothing hostile or directly aggressive upon our rights. But, on the contrary, we had in them recovered the great principle which was lost by the South on the Missouri question in 1820. That principle, thus rescued and recovered, required the restriction against slavery over Kansas and Nebraska, which had been resting on those territories for thirty years, to be taken off. All this many of you recollect. Well, what has been the result? The fugitive slave law is now daily executed with as little difficulty almost as any other act upon your statute book. The only question now, in regard to that, is not its execution, but whether it shall be *repealed* or not. And when the time came for governments to be organized in Kansas and Nebraska, the old odious and anti-republican restriction against the South, put on in 1820, was taken off in

pursuance to the principle established in 1850. This was accomplished during the last Congress. People from the South can now go to Kansas with their slaves if they wish—and many of them are doing so.

In two elections already held there, those who are in favor of slavery are decidedly in the majority. The probabilities, therefore, are, that she will apply for admission into the Union as a slave State. Shall she be so admitted if she so applies? That is the great question which is now coming up in the distance, and which must be paramount to all others. My position is that she shall. The position of the Georgia Resolutions of 1850 is not only that she shall, but that if she should be rejected by Congress because of slavery, it would justify resistance on the part of the South. I so maintained in 1850, I so maintain now; and shall so maintain in the halls of Congress if you see fit to send me as your representative there. The issue involves a principle which the South ought not, and cannot, consistently with her safety and honor, ever surrender. As much as I admire this government—as much as I am devoted to the Union, whenever it puts me and mine, or in other words, whenever it puts the people of the South and her institutions under the ban of its proscription, I shall be its enemy.

But, are we or our institutions in any such danger, perhaps some may be ready to ask? To this I answer, none whatever, if we are but true to ourselves. We are, however, in very great danger if we falter or blunder at this time.

The great struggle will be on the admission of Kansas. Let us not, then, ally ourselves with any party, North or South, hostile to that measure—that is the first point to see to. Let us, in the next place, act, co-operate, and affiliate in party associations with those men, and those men only at the North, who sustain the principles of the Kansas and Nebraska bill, and the principles of the Georgia Resolutions of 1850.

If we do this, if the whole South will do this, all will be safe—Kansas will be safe—our rights will be safe—the constitution will be safe—the Union will be safe. And then if “know-nothingism” and all other attempts at unjust class proscription be abandoned, as I trust they will speedily be, we shall go on as we have commenced, in that high career of national happiness, prosperity, and greatness, which all things in our past history so significantly point out to us as our manifest destiny.

Fellow-citizens—I am through with what I have to say. You have my views and opinions fully and freely given upon all the exciting questions which are likely to enter in the approaching canvass; with these, you have my name before you as a candidate. Act towards *them* and *me* on the day of election as becomes freemen. Do just what you may think in your own independent judgments will be most conducive to the interests, peace, honor, and general good of all.

I have seen it stated in the newspapers by some unknown writer, that my letter to Col. Thomas will be my political winding-sheet. If you and the other voters of the Eighth Congressional District so will it, so let it be; there is but one other I should prefer—and that is the constitution of my country; let me first be wrapt in this, and then covered over with that letter and the principles I have announced this night; and thus shrouded, I shall be content to be laid away, when the time comes, in my last resting-place, without asking any other epitaph, but the simple inscription carved upon the head-stone that marks the spot—"Here sleep the remains of one who dared to tell the people they were wrong when he believed so, and who never intentionally deceived a friend or betrayed even an enemy."

DEBATE WITH MR. ZOLLICOFFER, OF TENNESSEE,
ON THE POWER OF CONGRESS TO ESTABLISH
OR PROHIBIT SLAVERY IN THE TERRITORIES
OF THE UNITED STATES.

DELIVERED IN THE HOUSE OF REPRESENTATIVES,

JANUARY 17, 1856.

I ask the indulgence of the House but for a few moments. I wish to make some inquiries of the honorable gentleman from Tennessee, [Mr. ZOLLICOFFER,] in reference to some remarks made by him in the debate yesterday. He is reported as having said:

"My opinion is, that the advocates of the constitutional power of Congress to establish or prohibit slavery in the territory of the United States—though they may live in the South—though they may profess to be the advocates of the constitutional rights of the South—are doing to the South more damage, and are more dangerous, than the abolitionists of the North."

I wish to ask the gentleman from Tennessee what he means by that declaration; and also if he knows any gentlemen, or any persons, at the South, who *advocate* the constitutional power of Congress to prohibit slavery in the territories?

MR. ZOLLICOFFER. I am pleased that the gentleman from Georgia has put the question to me, and I shall be obliged to him, and to the House, not to confine me strictly to a categorical answer. My conviction is, that the theory that the Congress of the United States has the constitutional power to draw a geographical line through the public territories, and to say where slavery shall exist, and where slavery shall be prohibited forever, is a theory giving to Congress a power which the constitution has never conferred upon this body. My opinion is, that this theory has done more damage to the constitutional rights of the southern States of the

Union than the open warfare of northern abolitionists upon the institutions of the South. I do not mean to be understood as saying, that gentlemen who entertain this theory of the constitution are less patriotic than gentlemen who believe as I do, that the constitution does not confer that power; but my position is, and what I wish to be understood as saying is, that the *theory* is an erroneous and most dangerous one. And here let me remark, that many gentlemen of the South, whose patriotism I have never doubted, have fallen into a belief of this theory; and some gentlemen have gone so far as to *demand* that the Congress of the United States should mark out the line dividing the territory between the North and the South, and thereby determine forever where slavery should go, and where it should be prohibited. But I am gratified that many of those gentlemen have changed their opinions.

The gentleman from Georgia [Mr. STEPHENS] asks me to point him to a man of the South who entertains such opinions. I would say to him that my understanding is, that the gentleman from Georgia himself [Mr. STEPHENS] has, upon the floor of this House, maintained, with regard to the territory acquired from Mexico, that unless Congress would extend the Missouri compromise line to the Pacific—would, by a geographical line divide the territory, and determine *forever* where slavery should exist, and where it should be prohibited, that he had no other alternative than to return the territory to Mexico. “Let us keep our money which is to be paid for it,” said he, “and let Mexico keep her provinces and her people.” That was his position as I understood it. I am gratified that the gentleman who then warred against the principle of “non-intervention” has changed his opinion, and now stands before the country as an advocate of the principle of “non-intervention” by the federal government with the territories of the Union, upon the subject of slavery. My opinion is, that the new States, to be carved out of the public territories, when they shall be admitted into this Union, should come in upon an equal footing with the old States, under the plain letter of the constitution—that they should come in full-fledged, with all power for determining their fundamental and constitutional laws, as is conceded to the old States of the Union. I repeat, I do not mean to say that gentlemen who entertain the opinions I ascribe to him are less patriotic than those who embrace the principle of non-intervention; but I mean to say that *such opinions* are more dangerous to the South, particularly when presented by southern gentlemen, than when presented by open and avowed abolitionists.

Mr. STEPHENS. The gentleman is mistaken in attributing to me any such position or opinions as he seems, from the record he refers to, inclined to assign me. I did not then, or ever, advocate the constitutional power in Congress to prohibit slavery in the territories; but I maintained that upon the principle of compro-

mise I should be satisfied with nothing but a fair division of this territory. I have always, and I do now maintain, as an original question, that the territories of the United States are the common domain, in which the people of all the States have an equal interest; and that the people of the States who choose to settle them should determine their domestic institutions for themselves, as they please, when they come to form their State constitutions. But when the North would not permit the South to enjoy all in common, to colonize all in common, and to settle all in common, without restriction, then only on the principle of division, as an alternative, would I compromise the question at all. Now, sir—

MR. ZOLLICOFFER, (interrupting.) Will the gentleman from Georgia allow me to read his declared opinions?

MR. STEPHENS. Not now. I know all about my declared opinions. I do not wish to have my time now taken up by reading.

MR. ZOLLICOFFER. Very well, sir.

MR. STEPHENS. If the gentleman has any thing there in contradiction to what I say I will, when I get through, hear him read it; but I do not wish now to be diverted from other points. The gentleman stated to the House, when he began, that those gentlemen who voted for the Missouri line—the geographical line—where slavery might exist, and where it should not, were more dangerous to the interests of the people of the South than the abolitionists of the North. Does he believe that those men who in 1820—when the South was pressed to the wall—when they took that measure only as an *alternative*—when the North insisted on having every foot of the country, and when only by a small majority, the South reluctantly took this line, in lieu of total prohibition—does he believe, I ask, that those men were more dangerous to the South than the abolitionists of the North were? Does he say that your Lowndeses and Clays, with a majority of the southern members, were more dangerous to the rights and interests of the South and the peace of the country than the avowed abolitionists?

MR. ZOLLICOFFER. Perhaps the gentleman does not understand me. I again repeat, and I wish to be properly understood, that this *theory* has done more damage and is more dangerous to the constitutional rights of the South than the open efforts of abolitionists. Many patriotic men at the period to which the gentleman alludes, fell, as I believe, into the error in submitting to what they regarded as the smaller of two evils, namely: in admitting that the federal government *has the power to bind the States* which are yet to be formed out of the territories of the United States in the character of their domestic institutions *forever*. I feel that that *theory* is more dangerous to the South than the open warfare of the abolitionists.

MR. STEPHENS. Then I wish the gentleman from Tennessee to state what *theory* he means? Does he know any southern man, in the beginning, in the middle, or down to the present, or at any

time in the progress of this controversy, who ever entertained *such a theory* as he speaks of? And does he know of any southern man who ever voted for a division of the public domain, except as an alternative? Did the offer to divide even originate with southern men? Has it ever been defended by southern men, except as an alternative?

MR. ZOLLICOFFER. If the gentleman from Georgia will allow me, I will read an extract from his speech in 1850, on the subject.

MR. STEPHENS. Now, sir, you may read it.

MR. ZOLLICOFFER. On the 13th of June, 1850, the honorable gentleman from Georgia is reported, in the *Globe*, as saying:

"I have from the beginning been, as the gentleman from Mississippi says he is, in favor of the *extension of the Missouri compromise line*, or some other fair and just *division of the territory*. But I want no division which will not give as ample protection and security to the South in the enjoyment of her portion, as it does to the North. 'The extension of the Missouri compromise, without the recognition of slavery south of that line and all necessary protection, would, in my opinion, be a perfect *mockery of right, just as much so as the doctrine of 'non-intervention.'*' This was my position two years ago upon this floor, and upon which I then declared I should stand or fall. I hold that, upon the acquisition of these territories, their government *devolved upon Congress*, and that it was the *duty of Congress* to pass all necessary laws for the fair and equal enjoyment of them by all the people of the United States, or such of them as might go there with their property of every description.

"As a difference of opinion exists between the North and South upon the subject of slavery, I thought, and still think, that for the purpose of such just and equal enjoyment, a *division of the territory* would be best. *That Congress had power to pass all such laws I never doubted*—indeed I was amazed at the position of those who claimed the constitutional right to carry and hold slaves there, and yet denied to Congress the *power to pass laws for the protection of these rights. The doctrine of 'non-intervention' denied that power.*"

MR. STEPHENS. Yes, sir, and I indorse every word of that now.

[Here the hammer fell.]

MR. STEPHENS. I ask the indulgence of the House to permit me to conclude my remarks.

THE CLERK. There being no objection, the gentleman is at liberty to proceed.

MR. READE. Will the gentleman from Georgia allow me to ask him a single question, so that I may be sure I understand him correctly.

MR. STEPHENS. Certainly.

MR. READE. I want to ascertain whether I understood the gentleman from Georgia, in the extract just read by the gentleman from Tennessee, to have spoken of the principle of non-intervention as a mockery? I want to understand that extract correctly. Did the gentleman from Georgia speak of the principle of non-intervention as a mockery?

Mr. ZOLLICOFFER. That is what I understand his language to amount to.

Mr. STEPHENS. One at a time—and one thing at a time, Mr. Clerk. What I wish the House right here to understand clearly, is this: “Non-intervention,” as the word was used at that time by me, was a term altogether different in its meaning, and import, and practical effect from the same word as it has more recently been used on this floor and elsewhere. At the time of the acquisition of Mexican territory, there were local laws—as I understood them—prohibiting slavery. I held it to be the duty of Congress then, to annul those laws, and to open up all the territory to the free and unrestricted colonization of the people of all the States of the Union. There was then already “intervention” against us. Non-intervention over that territory at that time would have been exclusion, particularly in connection with the idea that the people there should never be permitted to change the existing *status*, as I showed in that speech from which the gentleman has read an extract, or some other, or at least thought I showed. This was my opinion upon a question, however, on which southern men differed. But it is proper for the gentleman from North Carolina [Mr. READE], and the House, to understand the import with which the term “non-intervention” was used by me in that speech. It was that “non-intervention” which, in my judgment, would have absolutely excluded a portion of the people of the Union from a just and fair participation in the use of common territory, and I wished all to be equal participators therein.

Now, sir, in that speech from which the gentleman has read, I was speaking of a settlement of this controverted question on the principle of division, as the people of the North could not in justice be permitted to take the whole territory—every foot of it, north, south, east, and west, which they were claiming, and seemed determined to have. My theory was, and the whole southern *theory* was, as I understood it, as an original question, to leave the whole territory free to colonization by all alike, and without restriction anywhere. But, sir, when we were forced to the wall, when we were outvoted by a large majority from the North, when we had no hopes of getting that theory of ours realized, then we were willing, as I said, in *consequence of this sectional disagreement*, as an *alternative*, to have the territory divided with the same guarantee against the previous intervention against us on one side of the line, to the people of the South, as there was on the other side to the people of the North.

The House will indulge me also in another idea. In the speech to which the gentleman from Tennessee has alluded, he quotes me as having expressed astonishment as to the power of Congress to do what I thought ought to be done; that is, to institute governments for the territories, and to effect what I desired. Now on this subject, in both aspects of it, there was a division of sentiment as well North as South. I held that Congress had power

to govern or to provide governments, and to pass such laws as were necessary to give *security to slave property*, which some, holding the doctrine of "non-intervention," as then used and understood, denied. I was amazed at some gentlemen who held that by virtue of the constitution alone we could hold slaves in the territories, and yet denied the power to protect them. I hold the same sentiments now. I held that it is the duty of Congress to protect slave property as well as other property in the common territory of the United States, just as it might protect any other kind of property. That is what I held to be the power and duty of Congress. I did not hold that it had the unqualified power to prohibit. Now I ask the gentleman again, does he know any man in the southern country who advocates, or even defends, the unlimited constitutional power of Congress to prohibit slavery in the territories?

MR. ZOLLICOFFER. I would ask the gentleman from Georgia, whether in 1848 he did not, on this floor, take the position, with reference to the territory acquired from Mexico, that there were but two courses to pursue; that there were but two alternatives with him. I ask him if he did not state, that unless the federal government extended the Missouri compromise line to the Pacific ocean, so that slavery should exist forever on one side of the line, and should not exist on the other, his only alternative was to return the territory to Mexico? I ask him if he did not demand that Congress should not merely protect slavery in the territory on one side of a geographical line, but should prohibit it on the other? I ask him if he did not *demand* that, and demand it as the only alternative to the returning the territory to Mexico?

MR. STEPHENS. Only, Mr. Clerk, by way of compromise.

MR. ZOLLICOFFER. Ah!

MR. STEPHENS. It was only as a compromise that I would agree to or demanded the extension of the Missouri line, recognizing and protecting slavery south of the line as well as excluding it north. This was the only plan of division, itself an alternative, that I would agree to. I was then in favor of running that line through to the Pacific—not as an original proposition, but as an alternative—to settle the question upon some principles of justice, as the South and North differed upon slavery, and the North, so far from letting the South have the free common use of all, seemed bent upon not letting her have any. But the North would not agree, then, even to that—they would not divide. An overwhelming majority in this House were opposed to it. On the 15th day of January, 1847, a large, an overwhelming majority in this House repudiated the adoption of that line by way of settlement—a line, or a principle rather, which the South was forced to adopt in 1820, not as a theory of her own, but as her only alternative.

Now, Mr. Clerk, I voted in 1848, as all the men from the South upon this floor voted, to extend that line to the Pacific coast. It was no measure of our choice.

Mr. ZOLLICOFFER. I suppose I do not misunderstand the gentleman from Georgia. I now understand him to express the opinion that the Federal government has no constitutional power to restrict slavery in any of the territories of the United States; yet, in a spirit of compromise, he was willing, in this instance, that the constitution should be violated in the measure proposing to restrict slavery in half the territory, and that the Federal government should thus do what the constitution itself prohibited.

Mr. STEPHENS. No, sir, I hold no such doctrine. The gentleman can assign me no such position. I voted to extend the line as an alternative; but I did not hold, nor do I now hold, that I violated the constitution in thus voting. And I want to know of the gentleman from Tennessee if he would not have voted for the extension of that line if he had been here? When the whole South united in agreeing to extend the line as an alternative, by way of compromise, in 1848, I want to know of the gentleman from Tennessee—and I call the attention of the House to his answer—whether he would not, if he had been here, have voted with the South for that extension? Would the gentleman, or would he not?

Mr. ZOLLICOFFER. Mr. Clerk, it will be remembered that when this little sparring between the gentleman from Georgia and myself commenced—

Mr. STEPHENS. I do not yield to the gentleman, except to answer my question.

Mr. ZOLLICOFFER. I will give the gentleman a direct answer.

Mr. STEPHENS. Very well; go on.

Mr. ZOLLICOFFER. I say it will be remembered that this little sparring between the gentleman from Georgia and myself grew out of the fact, that when the gentleman from Pennsylvania, [Mr. FULLER,] for whom I have been voting as a candidate for speaker, defined his position the other day—when he announced himself as occupying the high national position which he did, the gentleman from Georgia rose and complimented him upon having revised his opinions and corrected his position before the House and country. I confess, sir, that I could not help supposing that those compliments were ironically tendered, and I stated, in reply, that it would be well to remember that other gentlemen had corrected their positions besides the gentleman from Pennsylvania.

And now, sir, in reply to the interrogatory of the gentleman from Georgia, I have to say that from the day of that crisis in 1850, when I saw what I saw in the Nashville Southern convention, as it was called—when I saw that body demanding the extension of the Missouri compromise line to the Pacific—when I saw that body advocating the exercise by the Federal government of the power to prohibit and permit the extension of slavery upon the respective sides of a certain geographical line through the territories belonging to the government, a power that I felt

was not delegated by the constitution—when I saw that position taken by the extreme men of the South, sir, I planted myself upon the position, that the *people* of the territories, when they come to *form State governments for themselves*, had the *sole right to determine for themselves* whether they would have slavery or not.

Mr. STEPHENS. The gentleman has not answered my question. I ask again whether in 1848, when the proposition was sent down from the Senate proposing to extend the Missouri line to the Pacific coast, would the gentleman from Tennessee have voted for it?

Mr. ZOLLICOFFER. Well, Mr. Clerk, I will answer the gentleman in this way—

Mr. STEPHENS. I cannot give the gentleman my time except for a direct answer to my question. I want to know whether, when Congress was providing governments for the territories acquired from Mexico, he would, if he had been here, have voted for the extension of the Missouri line through those territories or not?

Mr. ZOLLICOFFER. The time has been, Mr. Clerk, when the great body of men at the South, for the sake of choosing what they considered the smaller of two evils, had fallen in with this Missouri compromise line; but, sir, my own opinion is, that had I at that time occupied a seat upon this floor I should have felt it to be my duty to investigate the subject with care, and to vote deliberately upon that investigation; and that I should have voted to *sustain the principles recognized in the compromise measures of 1850*.

Mr. STEPHENS. My question is, would the gentleman have voted for the Missouri compromise line at the time I have stated?

Mr. ZOLLICOFFER. My answer is, that I would have voted in accordance with the principles of the compromise acts of 1850, *to leave the people of the territories to determine the question of slavery for themselves*, when they came to form a State government.

Mr. STEPHENS. The gentleman said he would give me a direct answer. He has not. Now I wish to put to the gentleman from Tennessee another question—that is, whether, when those Southern men he has spoken of, before they got the principles of 1850, now carried out in the Kansas bill, chose the less instead of the greater evil, as he has said, when every man from Tennessee, every man from Georgia, every man from South Carolina, in a word, every man, whig and democrat, south of Mason and Dixon's line, voted for that measure, were they acting upon a *theory* more dangerous to the South than abolitionism itself?

Mr. ZOLLICOFFER. The principles of 1850 and of the Kansas-Nebraska bill were then urged, and are as old as the constitution. I repeat what I stated at the very outset, and I do not mean to be understood as saying that those gentlemen were less patriotic in their motives than those who understood, as the gen-

tleman from Georgia now understands, the principle of non-intervention in the Nebraska and Kansas bill, or that their theory was more dangerous than abolitionism itself; but I say, nevertheless, that the theory, whoever may entertain it, that the power exists in the Federal government to determine forever, for the States to be formed out of the territories of the United States, the fundamental constitutional principles of those States—to determine whether slavery shall exist there or not—is a theory more dangerous to the South than the overt movements of abolitionism itself.

Mr. STEPHENS. I am here to defend that theory so far as my action under it is concerned. I say it was a wise theory, looking to the peace of the country under the circumstances. I say it was a just theory so far as it was founded on the principle of a fair division of the territory, but it was not, nor is now, any favorite theory of mine. I preferred another—the principle established in 1850. Still, there was nothing so aggressive in it as that the country might not have been satisfied with it if it had been abided by. I acted on it only as an alternative. Nor do I hold that the whole South in adhering to it were more dangerous to themselves than abolitionism itself. Nor, sir, do I hold that a division of territory, as stated, violates the constitution of the United States. This I say, while I also maintain that the constitution gives to Congress no original or substantive power to prohibit slavery in the territories of this country. The gentleman cannot find in any remarks that I have ever made, that I have advocated the existence of any such power. I never have entertained any such opinion. I have always warred against it from the beginning.

I have always maintained that this *theory* of the creation of territorial governments was outside the contemplation of the constitution. It rests upon a power resulting from the acquisition of territory which the constitution never contemplated. But when acquired, the duty devolves upon Congress either to govern it or to provide a government for it. And in governing or providing governments, Congress has no power, either express or implied, direct or incidental, to pass any law which would deprive any portion of the people of the several States of their right to a just and fair participation in the public domain. But a law or regulation, looking to the disposition of the public domain as common property, based upon the principle of division between the two sections, disagreeing, as they do, upon the subject of slavery, I hold, may be constitutional, or, at least, not violative of it. While the exercise, therefore, of such power by a general exclusion would be wholly unconstitutional, yet, under circumstances qualified as I have stated, it might be properly exercised. As I understood the honorable gentleman from Illinois [Mr. RICHARDSON] to hold, the other day, the exercise of this power may or *might be* perfectly consistent with the constitution, just, and

proper in *one instance*, and wholly inconsistent with it, unjust, and improper in another.

Mr. ZOLLICOFFER. Mr. Clerk, I desire to say, that if I have not done justice in every respect to the position taken by the gentleman from Georgia, on a former occasion, I desire now to do so. I sent, some fifteen minutes ago, to the Congressional library for a copy of the *Congressional Globe*, containing the remarks of the gentleman from Georgia, to which I have referred, upon which the statement I have made, as to his position, was predicated. I have not yet received it. I hope to receive it presently, and then I will give to the House the record upon which I based my opinion.

Mr. STEPHENS. The gentleman misapprehends me if he supposes that I ever held the idea or opinion that Congress has the general or unlimited power to exclude slavery from the territories of the United States. Never, sir; but I have held, and I do hold now, that the power in organizing governments and disposing of the common territory can be properly and constitutionally exercised on the principles of a fair division. The gentleman seems to belong to a class of men who argue that if Congress can exclude slavery from a part, on the principles I speak of, it could therefore exclude it from all the territories.

Mr. ZOLLICOFFER. That is the position of the gentleman's candidate for the speakership, as announced last Friday in his place, that if you can exercise power over a part of the territory, you can over the whole of the territory.

Mr. STEPHENS. No, sir. I indorse every word that the gentleman from Illinois has said on this subject. He says that he voted for the extension of the Missouri compromise line, and that he did not think in doing so that he was violating the constitution. I think so too. He says that the exercise of the power, other than by compromise, or a fair division of territory, would be *wrong and unjust, and violative, if not of the letter, at least of the spirit of the constitution*. So I say too. And why would it in my opinion be unconstitutional to exclude slavery from all the territories? The constitution is silent on the subject of the government of the territories. I have always maintained that the power was an incident and resulting one; and as I look on all resulting powers, this one is to be fairly and justly exercised. When exercised in that way, I hold that it is constitutional. If not, it is wrong and unjust, and tantamount to a violation of an express provision of the constitution. It is a violation of the spirit of the constitution, because of its injustice.

Mr. ZOLLICOFFER. If Congress has the power to exclude slavery from one half of the territory, has it not the power to exclude it from all the territory?

Mr. STEPHENS. No, sir. That is the point. It would be unjust; and for that very reason no such power of general exclusion could be properly exercised. The government of the United States,

under the operation of the revenue laws, and not within the purview or contemplation of any of the granted powers of the government, acquired a surplus revenue. It was never contemplated by the constitution that such a fund should be amassed. A distribution of the fund fairly and justly between all the States, I hold, was perfectly constitutional. But suppose the North had said, "Here is a case outside of the constitution. There is not a word in that instrument on the subject. The fund has been unexpectedly acquired under the operation of the government; but it shall not be divided among all the States equally; it shall be taken exclusively by those where slavery does not exist; that no slaveholding State shall touch a dollar of it." Would that have been constitutional?

This is an apt case in point of illustration, for the constitution is silent on the subject. It was never contemplated by that instrument that a surplus fund should be accumulated; but such a fund did accumulate, and may again. The power of distribution was a resulting power, and, when fairly and justly exercised, was constitutional. I do not now discuss the expediency of the distribution, but the constitutionality of it. I do not doubt that it was constitutional if the distribution was fair and just, but it would have been nothing short of usurpation for the North to have taken the whole of it. That is my answer, and so with the territories. Here was an acquisition of public domain, which the constitution never looked to or provided for, made by the common treasure, by the common blood of northern men and southern men—men from all sections contributed in acquiring it. In some States slavery existed, in others it did not; and was it not right that the people of all the States should have an equal enjoyment of, or a just and fair participation in, this public domain? Just as in the case of the surplus fund; when that fund came to be divided, it would have been monstrous, and unjust, and violative of the constitution—of its spirit, if not of its letter—if the distribution had not been an equal and a fair one.

MR. ZOLLICOFFER. I have at length been able to obtain, and will read the extract on which I based my opinion of the gentleman's position. My object in doing so, at this time, is merely to show that I had no purpose to misunderstand or misrepresent him. I call attention to the following extract of a speech delivered by the gentleman in 1848, on the floor of this House.

"I have no objection to compromising the question, but I have *only two plans* of compromise; one is, a *fair division* of the territory by fair and distinct lines, by which every one may know exactly to what extent his rights will be protected. I care not much whether it be by an extension of the Missouri line, or whether it be by adopting as a line one of the mountain ranges, giving the South all on this side and the North all on the other. I am, however, rather in favor of the latter; but shall insist on some fair and just division. That is one plan of compromise I shall favor; and if I cannot get that, I have but *one other to offer*, and that is, to *reject the territory altogether*. Let us keep our money which is to be paid for it, and let Mexico keep her provinces and her people."

Mr. STEPHENS. Well, sir—

Mr. ZOLLICOFFER. Let me proceed.

Mr. STEPHENS. Show in what I differed then from what I now state. Why do you bring my records to back what I now say?

Mr. ZOLLICOFFER. I do not say that it differs from what the gentleman has said in the last few minutes; but there does seem to me to be some difference between it and the non-intervention banner which he so boldly flaunted on yesterday.

Mr. STEPHENS. Not at all, sir. Permit me to repeat just here that my original view was, that Congress should not interfere or intervene against us; that Congress should leave the common territory free and open to colonization by all alike. This was what I desired; this is what we have *now* got. But when that speech was made, this hope was a foregone conclusion; the hand of Congress against us could not be stayed. None of us expected, if the territory should be acquired, that intervention against us by Congress in some way or other could be prevented. We were voted down. I, however, was still willing, as an alternative, to compromise on the old principle of division; but if I could not get even that, then my last alternative was not to take the territory. The gentleman from Illinois [Mr. RICHARDSON] and the senator from Illinois [Mr. DOUGLAS], and a few more, not exceeding half a dozen, I believe, were the only gentlemen from the entire North who voted to give us any showing at all—men who seem to be now hunted down. While the gentleman is reading me a lecture in reference to the honorable gentleman from Pennsylvania, to which I will reply, his whole argument seems to be to hunt down Mr. RICHARDSON.

Mr. ZOLLICOFFER. I think that assumption a little unkind to me. I feel that such is not my wish; but that, when southern men seem to be hunting down sound and national men of the North, who stand with me, both sides of the question should go before the people.

Mr. STEPHENS. Let me go on, if you please.

Mr. ZOLLICOFFER. I will say that I now understand the gentleman's position to be somewhat different from what I supposed. I understand that, as a matter of compromise, he was willing to see this geographical line run to the Pacific; that slavery should exist on one side, and be excluded from the other. I now understand him to say that he believes that Congress has power to make this disposition.

Mr. STEPHENS. I do.

Mr. ZOLLICOFFER. And I understand him at the same time to say that, while Congress has power to prohibit slavery from one half of the territory, it has not the power to prohibit it from three quarters. This, I must confess, to me is inexplicable.

Mr. STEPHENS. It may be so to the gentleman; it does not seem so to me. I say that there is no violation of constitutional power to divide fairly and justly, but it would be violative of

every just principle of the constitution to take the whole. If that is inexplicable to the gentleman, I suppose it will not so appear to others. I suppose that this was the view of all the gentlemen from the South acting with me on the extension of the Missouri line; at least, it is the ground upon which I stood.

Now, Mr. Clerk, I am willing that the gentleman shall search all my records, and bring them up here and read them. I think that, upon this point, the gentleman will find that I have never changed sides, or positions, or opinions. If I were to do it, I would not hesitate to avow it; I wish the gentleman to know that. But I wish the country also to know that my opinions upon this point, so far as I am a proper judge of them, have been the same since I first came to Congress, and just such as I entertained before I came here. The position of the South from the beginning was, that Congress ought not to interfere or intervene against us upon this subject. That is my position, and always was, as an original question. That was the southern ground anterior to the Missouri restriction in 1820. That was only supported by southern men as an alternative. It was when the South was voted down by the North, and when the South was about to lose the whole of the territory, that she consented to the principle of a division; and I say that Congress has the power, in my opinion, to divide fairly and justly, but no power to give the whole, exclusively, to one section, just as in the case I have put about the surplus revenue.

Now, sir, the gentleman remarked that my allusion to the gentleman from Pennsylvania, [Mr. FULLER,] was unkind. I disclaimed yesterday—I disclaimed most emphatically yesterday—and I do again to-day, any intention of alluding to the gentleman from Pennsylvania in an unkind spirit. I did it because I thought the occasion required it: I thought it due to the progress of our cause here. I felt extremely gratified at the announcement of the gentleman's opinions, and so I said then. I say now that my intention was not to cut down the gentleman from Pennsylvania at all, but it was to strengthen him and to strengthen his friends and our cause at the North—it was to give our friends every assurance and induce them to stand firm; for we have evidence now that if they do so, the great principles established in 1850, and carried out in the Kansas-Nebraska bill, will ultimately prevail in this country, notwithstanding the clamor at the first elections against it.

MR. ZOLLICOFFER. I am happy to hear that I misapprehend the purpose of the gentleman; but when he, by implication, stated that the gentleman from Pennsylvania had seen new light——

MR. STEPHENS. I did not say that he had seen new light.

MR. ZOLLICOFFER. Well, that light had dawned upon him.

MR. STEPHENS. I did not say that.

MR. ZOLLICOFFER. The impression upon my mind was that the gentleman did imply this in what he said.

Mr. STEPHENS. No, sir. What I said was——

Mr. ZOLLICOFFER. Well, Mr. Clerk, may I be allowed to ask the gentleman, in order that I may be able to understand his position—for I have some difficulty in understanding him—whether he believes the Missouri compromise line to have been constitutional or unconstitutional?

Mr. STEPHENS. I believe that it was constitutional.

Mr. ZOLLICOFFER. Well, that is what I understood his position to amount to at first.

Mr. STEPHENS. I believe it was founded upon the principle of a fair division of the territory as it was then understood, and as such it violated no constitutional provision. I ask the gentleman from Tennessee now again, whether he would not have voted for it if he had been here?

Mr. ZOLLICOFFER. Mr. Clerk, I can only repeat what I attempted to say in reply to the same question a few minutes ago. Had I been a member of the House at that time, my opinion is, that I would have done what it has been my uniform habit to do—that I would have investigated every question upon which I was called to vote upon its constitutional principles; and my opinion is, that upon an investigation such as I gave to this question in 1850 and in 1854, I should have come to the conclusion that there was nothing in the constitution authorizing the Federal government to exercise the power of prohibiting the new States to be formed out of the territory of the Union from adopting such permanent institutions as they chose to adopt when they came in as States. I should, therefore, have held that the Missouri compromise was in derogation of the constitution; that is, that there was nothing in the constitution authorizing such an act; and that, inasmuch as the power is claimed upon that clause of the constitution which authorizes Congress to make “all needful rules and regulations” for the territory and other property of the Union, and inasmuch as a regulation permanently prohibiting the States to be formed out of that territory from acting for themselves when they took on themselves sovereignty, was not a “needful rule,” that Congress had *no such power*. That is my present opinion.

Mr. STEPHENS. The gentleman, then, was opposed to it, and would not have voted for it. I understand him to say that he would not have voted for the Missouri compromise.

Mr. ZOLLICOFFER. For the third time, I will endeavor to make myself definitely understood.

Mr. STEPHENS. I have asked the question whether the gentleman would have voted for the extension of the Missouri compromise. The gentleman has been several times upon the floor, and has not answered that question.

Mr. ZOLLICOFFER. My opinion is, that, had I been a member of that Congress, I would have investigated the question, and that, having investigated it, I would have come to the conclusion that the Missouri compromise was not authorized by the constitution;

and I would, of course, have *voted against it*, and sustained the *principle incorporated in the compromise bills of 1850*. That is what I mean to say, and have, in substance, several times repeated.

Mr. STEPHENS. Then I understand the gentleman to say that, in 1848, he would have voted against the whole South, upon the principle that all the southern members of the Senate and of this body were more dangerous to the South than the abolitionists themselves! After investigating and groping about and looking in the dark for a light, he would have come to the conclusion that Congress had no such power, and would have voted for the principles established in 1850. Sir, the principles established in 1850 were the principles of the South from the beginning. But when we were looking to an extension of the Missouri line, we had no hope of getting the principles of 1850. This Missouri line of division was sustained by the South only as an alternative all the time. The South took it in the beginning reluctantly. But the gentleman attributes to me, and those who thus sustained it, the doctrine that Congress has the general original power to exclude slavery from the territories. Now, I have said, and repeat, I hold no such doctrine. On the contrary, I have said to this House and to the country everywhere, that if Congress were to exercise such power, I should be *for resisting it*. While I was willing to divide fairly in 1848, and while that was the only compromise I was for, and while I stood upon the same principle in 1850, I proclaimed to the country that if we did not get a fair division, if the North took the whole territory, I was for *resistance*. Now, I want to know where the gentleman is going to stand in such a contingency? He thinks, as I do, that such an exercise of power would be unconstitutional. Suppose a majority of this House should restore the Missouri restriction, and suppose it should pass the Senate, and receive the executive approval, what are you going to do?

Mr. ZOLLICOFFER. The explanation which the gentleman has amplified to-day is the same which he made yesterday, and I am very willing that he should extend the explanation.

Mr. STEPHENS. The floor is mine, and I cannot yield to the gentleman, unless he undertakes to answer my question.

Mr. ZOLLICOFFER. I certainly will.

Mr. STEPHENS. Suppose I say, that the restoration of the Missouri restriction is established, what is the gentleman going to do? Suppose Congress does exercise the power to exclude slavery from the territories—which the gentleman thinks is a violation of the constitution—what is he going to do? What measure will he recommend to the people of the South? What theory of government is he going to act upon?

Mr. ZOLLICOFFER. I hold that my friend from Georgia has not the right to make up supposed cases, and put a catechism to me upon any wild imaginary hypothesis.

Mr. STEPHENS. The gentleman himself first commenced the system of catechising on supposed cases. He offered the resolution declaring that the opinions of candidates should be known, and followed it up by a long string of questions.

Mr. ZOLLICOFFER. Will the gentleman permit me to ask him a question?

Mr. STEPHENS. Yes, sir, a hundred of them; and I want you to answer mine.

Mr. ZOLLICOFFER. In what clause of the constitution do you find the power authorizing Congress to make a fair division of the territories?

Mr. STEPHENS. I do not find it at all.

Mr. ZOLLICOFFER. You have a higher law, then, than the constitution?

Mr. STEPHENS. No, sir; I do not recognize any higher civil law than the constitution. I have said before, that the government of the territories was outside of the constitution, springing from a resulting power incident to the acquisition, and that a fair division was not violative of it. That is what I said. Now answer my question, and I will answer you a dozen more, if you put them to me. My question is, what will you recommend your people to do, provided the restriction is restored, or Congress does exercise the power of excluding the people of the southern States from an equal participation in the territories?

Mr. ZOLLICOFFER. I will do that which a southern man, loyal and true to the constitution, should do when that question arises. I do not recognize the right of the gentleman from Georgia to interrogate me upon supposed cases which may never arise. Upon my record I will answer, and I hold him to his. When the time shall come, I shall be prepared to act as a southern and a national man, regarding the rights of every section of this Union. Upon the gentleman's own record I have interrogated him; but I have put no question to him as to what he would do in a supposed state of things which may never happen. When the crisis comes upon the country, I shall be prepared to take that course which a patriotic man, living in the South, and devoted to the principles of the constitution, should take.

Mr. STEPHENS. As the gentleman has announced to the country who are the best friends and who are the worst enemies of the country, and that certain men of the South in the Senate and in the House, though patriotic in their motives, are worse enemies of the South than even the abolitionists, I think it is but right that the South should be enlightened as to what his position would be, if the event I have supposed should happen.

Mr. ZOLLICOFFER. Do I understand the gentleman to maintain that the South assumes the power, and has used it in prohibiting slavery from the territories?

Mr. STEPHENS. Southern senators, and members of the House from the South, upon this floor, did vote for a division upon the

line of $36^{\circ} 30'$, and they did unanimously vote to extend it to the Pacific ocean. They did it reluctantly, as an alternative for some show of justice, but I take it for granted that every one of them did what he thought was right, under the circumstances, as the lesser of two evils; and that none of them thought they were violating the constitution of the United States. But the gentleman says that those who thus voted were the worst enemies of the South.

MR. ZOLLICOFFER. I have stated to the House, and I have repeated it again and again, that I did not say that those gentlemen who conceded the constitutional power of Congress to prohibit slavery, were less patriotic than those who construe the constitution as I do. I did not say they were worse enemies of the South. I did say, that in my opinion the theory, that the Federal government has the right to act for the States to be formed out of the territories of the Union, in forming their permanent domestic institutions, is a theory most dangerous to the South, and the more dangerous when entertained by gentlemen living in the South.

MR. STEPHENS. The gentleman will not answer my question. Be it so. The South can judge best who acts upon a theory most dangerous to her interests. My position was and is this: I was willing to divide as an alternative only, but a majority of the North would not consent to it; and now we have got the great principle, established in 1850, carried out in the Kansas-Nebraska bill, that Congress, after removing all obstructions, is not to intervene against us. This is the old southern republican principle, obtained after a hard and protracted struggle in 1850; and I say, if Congress ever again exercises the power to exclude the South from an equal participation in the common territories, I, as a southern man, am for resisting it. The gentleman from Tennessee does not say what he would do in that contingency.

The gentleman upon my left wishes to ask me a question.

MR. HOWARD. I understand the gentleman to say that he was in favor of an equal division, because it was just and fair. He says the territories, being outside of the constitution, the giving the whole of them to one part, would be unconstitutional, because unfair.

MR. STEPHENS. No, sir, I did not say "the giving to the one or the other," but "the giving exclusively to one."

MR. HOWARD. Was it constitutional to take from either one of those parties the share they got upon a just division?

MR. STEPHENS. No, sir; and that was not done; the North herself would not abide by the division contemplated. The idea on which the line was first established in 1820 was, that Missouri should come into the Union as a slave State, and that slavery should be excluded from all of the Louisiana purchase north of $36^{\circ} 30'$, with a toleration of it south of that line, if the people chose. But at the next session of Congress, in 1821, the North voted

Missouri out. She was denied admission on the terms of the act of 1820. The whole South was for it, and the almost entire North against it. The North would not stand by the compromise intended to give her an exclusive part. The Missouri line contemplated division, therefore, has virtually been a dead letter from that day to this; the North, or a majority of her representatives in Congress, repudiated it themselves: the South never did; they stood by it in 1821. And in order to see whether the North looked upon it, and considered it as a living principle, and not a repudiated offer to compromise upon the principle of division, the South proposed in 1847 and in 1848, as an alternative in lieu of the "Wilmot proviso" on the Oregon bill, to abide in good faith by it. But this proposition, voted for by every southern senator and representative upon this floor, was voted down, again and again, by an overwhelming majority from the North. They thus repudiated it over the very territory which we acquired with Louisiana: the same repudiation was again and again carried in this House in 1850, when the South was unanimously for standing in good faith by the principle. Therefore the South never even got the admission of Missouri by their agreeing to take as an alternative a division on that line, and we were thrown back, in 1850, upon our original principles, which were, that there should be no congressional restrictions at all; but that the people settling the territories from all sections of the Union should regulate this matter of slavery for themselves. That is the principle, as I understood, that the South stood upon in 1820, before the Missouri restriction was moved. It was the old republican principle; it was the principle that the Congress of the United States could not, on general principles, justly and rightly legislate for a people who are not their constituents; and I say to those gentlemen who call themselves republicans upon this floor, that, in assuming that misapplied title, they do violence to every principle consecrated by the name they espouse.

The old republican idea of a representative government, acted on in the beginning, was a very different thing from what you proclaim at this time. At the time of the formation of our constitution, every State in the Union but one was a slave State; and were they not all republican States? The constitution says, new States may be admitted; and the only thing you have to look at, upon the application of any for admission, is to see that its constitution is republican in its character, and you, gentlemen, who call yourselves republicans now, say that if the constitution tolerates slavery it is not republican, and, therefore, your fathers, your republican fathers, with slavery existing in every State but one, did not know the meaning of republicanism.

According to your interpretation of the term, they acted upon an idea that would have excluded every one of the old thirteen from the Union but one—Massachusetts alone could have been a *Union* by herself upon your principles. Is it supposed that the

other twelve would have disputed over the character of a State constitution, to be admitted into the Union, because it was not republican, if it only embraced the same principles of republicanism as their own? I state to these gentlemen who call themselves "republican," that they desecrate every principle consecrated by the name they bear, not only in this view, but they do so again when they undertake to set up that they are better judges of what is right in the territories, and better legislators for the people of Kansas and Nebraska, than the people of those territories are for themselves. They do so when they set themselves up as the masters and judges of the proper institutions of the people of Kansas. The people of Massachusetts, and the people of the other northern States, not content with attending to their own business, set themselves up to be superior to the people of Kansas and Nebraska, and pretend that they can know their interests and determine them better than they can themselves. Sir, I utterly deny the republicanism of their pretensions.

MR. STANTON (interrupting) made an inquiry of MR. STEPHENS, which the reporter did not distinctly hear.

MR. STEPHENS. I am going to bring my remarks to a close; and I would ask the republicans in this House, and particularly the gentleman from Ohio, who objects to my proceeding, to listen. I read, sir, what Mr. John Quincy Adams, who, I believe, was as violent an anti-slavery man in his sentiments as any man, said to the abolitionists at Pittsburgh, Pennsylvania, in November, 1843:

"As to the abolition of slavery in the district of Columbia, I have said that I was opposed to it—not because I have any doubts of the power of Congress to abolish slavery in the district, for I have none. But I regard it as a *violation of republican principles* to enact laws at the petition of *one people* which are to operate upon *another people against their consent*. As the laws now stand the people of the district have *property* in their slaves."

Just upon the principle of its being anti-republican, Mr. Adams would not legislate for the people of this district against their consent. He did not question the power.

MR. STANTON (interrupting). I must make a question of order. I do not think it advisable, in a discussion of this kind, that a speech of this sort should go out to the country without there being an opportunity first to have it replied to.

MR. STEPHENS. I shall not trespass on the time of the House more than a few minutes longer.

THE CLERK. The clerk would state that the House, by unanimous consent, permitted the gentleman from Georgia to proceed.

MR. CAMPBELL, of Ohio. I ask my colleague [MR. STANTON] to withdraw his objection and allow the gentleman from Georgia to proceed with his remarks. If we are to have a debating society here, I will seek an opportunity to reply to the gentleman, and, therefore I desire that he shall be fully heard.

MR. STANTON withdrew his objections.

MR. STEPHENS. It is not my intention, Mr. Clerk, to trespass

on the indulgence of this House, nor shall I do it. I have been brought into the discussion much further than I had any idea of when I rose. But there is one remark which I wish to make before concluding what I wished to say; and that is in regard to the doctrine of squatter sovereignty, of which several gentlemen have spoken. I think the gentleman from Virginia [Mr. CARLILE] spoke this morning—if I understood him aright—of the principle of squatter sovereignty embraced in the Kansas-Nebraska bill. Now, these terms of “squatter sovereignty” and “non-intervention” are words which have been differently understood by different gentlemen, and differently by the same gentlemen at different times, as I have stated. I wish to say that, as I understand “squatter sovereignty” now, and as I have always understood it, there is not a particle of it in the Kansas bill. What I understand by “squatter sovereignty” is the *inherent and sovereign right* of the people of the territory settling on the common domain to establish and set up governments for themselves, without looking to Congress, and independently of Congress.

Now, sir, that idea was embraced by some gentlemen in 1848 and 1850, as part of their doctrine of “non-intervention” by Congress; and with this view I call the attention of the gentleman from Tennessee [Mr. ZOLLICOFFER], who has read from my speech in 1850, when I used the term “non-intervention.” Many persons embraced that with the other views, in connection with that term which I have referred to. Against that doctrine, with that understanding of it, I always stood opposed, and am opposed now. There is not a single feature, not a particle of “squatter sovereignty” in the Kansas bill, on that idea. Why, sir, their whole organic law emanates from Congress. Their legislature, their judiciary, every department and the whole machinery of their government proceeded from Congress; the *inherent sovereign* right of the people to establish a government independently of Congress is not recognized in a single clause of that bill. If gentlemen mean by squatter sovereignty this principle, I say to them that there is not a particle of it in that bill; and I am as much against it as anybody.

MR. ZOLLICOFFER. Will the gentleman from Georgia allow me to ask him a question?

MR. STEPHENS. Yes, sir.

MR. ZOLLICOFFER. I would be pleased to know whether the gentleman from Georgia interprets the Kansas-Nebraska bill to give to the people, to the legislative body, of the territories of Kansas and Nebraska the power to abolish slavery during the existence of the territorial government?

MR. STEPHENS. I answer the gentleman. I think that the Kansas-Nebraska bill *gives* to the people of the territory, *grants* to them all the power that Congress had over it, and no more.

MR. ZOLLICOFFER. Do you believe that Congress had no power to abolish slavery in that territory during its territorial existence?

Mr. STEPHENS. I think it would be unjust and a great wrong for Congress to exercise any such power.

Mr. ZOLLICOFFER. Do you think it would be unconstitutional?

Mr. STEPHENS. I think there is no power in the constitution to do it, and it would be wrong from any resulting power, denying as it would an equal and just enjoyment of the public domain by all the people—and unjust, and tantamount to usurpation to do it. Sir, I was going to say that the gentleman holds that Congress has no such power——

Mr. ZOLLICOFFER (interrupting). Do *you* believe that Congress had the power at all?

Mr. STEPHENS. Hear me through. What I was going to say is, that all the power which Congress possessed over the territories on this subject is, in this bill, given to the people. And the gentleman holds that Congress could not prohibit slavery. If so, the people then cannot. Now, what I hold is, that the constitution is silent upon the subject. But any such act by Congress in the case supposed would be an act, in my opinion, of gross injustice, and would be tantamount to an open violation of any of the express provisions of the constitution. All the power, however, which Congress had over the subject is granted to the people, and they have got none else. I say this, and that I voted for the bill with this understanding of its import, and a determination that whatever the people of that territory should do on the subject of slavery, whether their legislatures should pass laws to protect it or to exclude it, or simply leave it without protection, I should for myself abide by their acts. I was for taking off an odious discrimination and an unjust restriction by Congress against the South, and leaving the question for those to determine who, going from all sections alike, were most deeply interested in it, according to the principles of the territorial bills of 1850.

Mr. ZOLLICOFFER. I do not wish to misunderstand the gentleman from Georgia; and I therefore ask him whether I am to understand him as saying that it would be wrong and unjust for Congress to prohibit slavery in the territory; yet that it has the constitutional power to do so, and that Congress conferred that power upon the territory?

Mr. STEPHENS. No, sir; the gentleman, it seems, wishes to make me say what I did not say. I never said that Congress had the power to prohibit slavery in the territories.

Mr. ZOLLICOFFER. The gentleman from Georgia misapprehends me, if he supposes that I intend to represent him as saying what I did not understand him to say.

Mr. STEPHENS. Very well, then; do not make me say what I have not said.

Mr. ZOLLICOFFER. It seems, then, that I misapprehend the gentleman; but that certainly was my understanding of the purport of his answer to the question which I put to him.

Mr. STEPHENS. Well, then, the gentleman was not attending to what I did say, because the whole tenor of my remarks shows that, in my opinion, there is no direct, or distinct, or original power conferred on Congress by the constitution to exclude slavery from any of the territories, or any portion of them; but on the acquisition of territory, not contemplated by the constitution, a fair division of the country *might be made*, as I have stated, between the parties interested, by way of compromise. I mean to say, I do not think such division violates the constitution; but in no other sense do I hold that Congress could constitutionally agree to the exclusion of slavery from any of the common territory, or any part of it.

Mr. ZOLLICOFFER. That I may not misapprehend the gentleman from Georgia, as it seems I have done, for I find it difficult to understand him, I must ask him another question. I understand him to say that in the spirit of compromise, Congress has the power to abolish slavery in a part of the territory—say in one half of the territory. Now if Congress has the power to abolish slavery in half the territory, has it not also the power to abolish it in the whole?

Mr. STEPHENS. I have not used the word “abolish” in this connection to-day; but I say no to his question.

Mr. ZOLLICOFFER. Well, “prohibit!”

Mr. STEPHENS. Yes, sir, I have used that word, and exclude, and restrict. I now say distinctly that it does not follow, in my opinion, that because Congress could constitutionally provide for the exclusion of slavery over part of the territory on the principle of division I have been speaking of, that therefore the unlimited power exists to exclude it from the whole. I deny, *in toto*, the existence of such unlimited or unqualified power in Congress on the subject.

Mr. TODD. Will the gentleman from Georgia allow me to ask him a question?

Mr. WASHBURN, of Maine, also made the same request at the same time.

Mr. STEPHENS. I will allow both gentlemen to put as many questions to me as they please. I will first hear the gentleman from Pennsylvania, [Mr. TODD.]

Mr. TODD. I understand the gentleman from Georgia to assume the position, that the power does not exist in the constitution to determine what shall be the institutions of the territories belonging to the United States. Now I desire to ask the gentleman wherein that power resides? Does it reside in the people of the territories, or does it reside in Congress? If it does not exist in the constitution, from whence does the gentleman derive it?

Mr. STEPHENS. I do not think it exists anywhere, while the territorial condition lasts, neither in the people of the territory nor in Congress. The public domain, while it remains a territory of the United States, is the common property of the people of the

several States, to be disposed of by Congress, under the limitations of the constitution, for the just and equal enjoyment or use of the people of all the States, and there is no general or unlimited power existing anywhere, either in Congress or the people of the territory, or anybody else, to deprive any citizen of the United States from going there with his property, of whatever kind it may consist, so long as it is a territory. I have as much right to go there with my property as the gentleman from Pennsylvania has with his; and the people of Georgia have as much right to go there with their property as the people of Pennsylvania have with theirs. The unlimited power to exclude slavery, and that is the idea I suppose the gentleman is upon, exists nowhere in my opinion.

The gentleman from Pennsylvania seems to be hunting for the power, and because he cannot find it in one place, he takes it for granted that it must exist in another. [His logic is about as good as that of the man who undertook to prove that Columbus was not the discoverer of America; that this honor was due to some Norwegian navigators, who it was claimed discovered it, I believe about the year 900, at any rate, several centuries before Columbus. The reasoning by which this conclusion was arrived at was, that a Norwegian vessel, about that time, set out from the coast of Norway, sailing west, which was never heard of afterward; and the argument was, that those on this vessel must have gone to America, for if they did not, where else did they go to? [Laughter.]

Mr. TODD. Do I understand the gentleman correctly? I understood him to say that he advocates the principle of the Kansas and Nebraska bill, because it is based upon the great republican principle of the right of the people to settle their own institutions for themselves.

Mr. STEPHENS. Yes, sir; on this subject.

Mr. TODD. I understand the gentleman to say that the people have not that right, and that Congress has not the power to clothe them with that right. Now, I want to know where this great representative principle, of which the gentleman speaks, resides, and how it is to be exercised, if neither Congress nor the people possess it?

Mr. STEPHENS. It is to be exercised by the people when they form their State constitution. That is my view of how and when the power is to be properly exercised; that is what I conceive the old republican idea was.

Now, sir, I will hear the gentleman from Maine, [Mr. WASHBURN,] who desires to ask me a question.

Mr. WASHBURN, of Maine. I understood the gentleman from Georgia to say that he believed that Congress has no power to abolish slavery in the territories, but that the power resides in the people; and again, that the people of the territories have no power except that delegated to them by Congress. I understood the gentleman to lay down these two propositions. Now, the

question I have to ask is this: if the people of the territories have no power except that given to them by Congress, and Congress has no power to exclude slavery in the territories, where do the people of the territories get the power to exclude it there?

Mr. STEPHENS. The people have, in my opinion, the power to exclude it only in a State capacity, or when they form their State constitution. Then they get it where all the States get it. The people, in a territorial condition, are but new States in *embryo*: this latent power of *full sovereignty*, when they assume State form, then develops itself; as wings to rise and fly, though latent in the chrysalis, do nevertheless develop themselves in full beauty, vigor, and perfection at the proper time. But I have this further to say in reply to the gentleman from Maine, [Mr. WASHBURN.] That gentleman, and I suppose a majority of this House, hold that Congress has the full and absolute power to exclude slavery from the territories. Well, sir, if Congress has such power it has conferred that power upon the people of Kansas and Nebraska. I hold that Congress has not such unqualified power; but if it has, as the gentleman believes, then the people of those territories possess it under the bill. This is evident from the language of the bill itself.

"That the constitution and all laws of the United States, which are not locally inapplicable, shall have the same force and effect in the said territory of Nebraska as elsewhere within the United States, except the eighth section of the 'Act preparatory to the admission of Missouri into the Union, approved March 6, 1820, which being inconsistent with the principle of non-intervention by Congress with slavery in the States and territories, as recognized by the legislation of 1850, commonly called the compromise measures, is hereby declared inoperative and void; it being the true intent and meaning of this act not to legislate slavery into any territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the constitution of the United States: *Provided*, That nothing herein contained shall be construed to revive or put in force any law or regulation which may have existed prior to the act of 6th March, 1820, either protecting, establishing, prohibiting, or abolishing slavery.'"

Now, sir, as I have stated, I voted for this bill, leaving the whole matter to the people to settle for themselves, subject to no restriction or limitation but the constitution. With this distinct understanding of its import and meaning, and with a determination that the existence of this power being disputed and doubted, it would be better and much more consistent with our old-time republican principles to let the people settle it than for Congress to do it. And although my own opinion is that the people, under the limitations of the constitution, have not the rightful power to exclude slavery so long as they remain in a territorial condition, yet I am willing that they may determine it for themselves, and when they please. I shall never negative any law they may pass,

if it is the result of a fair legislative expression of the popular will: Never! I am willing that the territorial legislature may act upon the subject when and how they may think proper. We got the congressional restriction taken off. The territories were made open and free for immigration and settlement by the people of all the States alike, with their property alike. No odious and unjust discrimination or exclusion against any class or portion: and I am content that those who thus go there from all sections, shall do in this matter as they please under their organic law. I wanted the question taken out of the halls of national legislation. It has done nothing but disturb the public peace for thirty-five years or more. So long as Congress undertakes to manage it, it will continue to do nothing but stir up agitation and sectional strife. The people can dispose of it better than we can. Why not then, by common consent, drop it at once and forever? Why not you, gentlemen, around me, give up your so-called and so-miscalled republican ideas of restoring the Missouri restriction, and let the people in the far off territories of Kansas and Nebraska look after their own condition, present and future, in their own way? Is it not much more consistent with Mr. Adams's ideas of republicanism for them to attend to their own domestic matters, than for you or us to undertake to do it for them? Let us attend to our business, and let them attend to theirs. What else keeps this House disorganized and suspends all legislative business? I wished, sir, in voting for the Kansas bill, and in carrying out in good faith the great principles established in 1850—that memorable epoch, the middle of the nineteenth century—and fixing them as the basis and rule of action on the part of the general government in her territorial policy, to get rid of this disturbing question here, by referring it unrestrictedly, as far as I could under the constitution, to the people. If they have not the power to settle it while a territory, as a matter of absolute right—*ex debito justitia*, I was willing, so far as I was concerned and had the power to do it, to give it to them as a matter of favor—*ex gratia*. I am willing, as I say, that they shall exercise the power; and, if a fair expression of the popular will—not such as may be effected by New England emigrant aid societies, or other improper interference, but the fair expression of the will of the hardy pioneers, who going from all sections without let or hindrance, seek new lands and new homes in those distant frontier countries—shall declare, in deliberate and proper form under their organic law, that slavery shall not exist amongst them, and if I am here at the time, I shall abide by their decision. I, as a member upon this floor, never intend to raise the question of their constitutional power to adopt such a measure. I shall never attempt to trammel the popular will in that case, although I may think such legislation wrong and unjust, and not consistent with constitutional duty on the part of those who enact it. Yet it will

be a wrong without any feasible remedy, so far as I can see. I am for maintaining with steadfastness the territorial bills of 1850—the principle of leaving the people of the territories, without congressional restriction, to settle this question for themselves, and to come into the Union, when admitted as States, either with or without slavery, as they may determine. This principle was recognized and established after the severest sectional struggle this country has ever witnessed, and after the old idea, whether right or wrong in itself, whether just or unjust whether constitutional or unconstitutional, of dividing the territories between the sections, was utterly abandoned and repudiated by the party that at first forced it as an alternative upon the other.

The Kansas and Nebraska act carries out the policy of this new principle instead of the old one. The country, with singular unanimity, sustained the measures of 1850; and all that is now wanting for the permanent peace and repose of the whole Union upon all these questions, is an adherence to the measures of 1850, both "*in principle and substance*" as the settled policy of Congress upon all such matters. That the people of all sections will come ultimately, and that before long, to this stand, I cannot permit myself to doubt. Let us hear no more, then, of repeal. Let us organize this body upon a national basis and a national settlement. Let us turn our attention to the business of the country which appropriately belongs to us. Yes, sir, the great and diversified interests of this truly great and growing country of ours, about which we talk and boast so much, and about which we have so much reason to talk and boast. Let us look to the fulfillment of the high and noble mission assigned us. Do not let the party watchwords of "liberty and freedom" for the black man, which some gentlemen seem always ready to repeat, cause you to forget or neglect the higher objects and duties of government. These relate essentially to our *own race*, *their* well-being, *their* progress, *their* advancement. Let the inferior race in our midst take that position for which, by a wise Providence, it was fitted, and which an enlightened and Christian civilization in the different sections of our common country, may think proper to assign it.

Mr. Clerk, we hear a great deal now-a-days about Americanism—and by not a few of those, too, who call themselves, *par excellence*, republicans. Now, sir, has America—with her hundreds of millions of foreign trade, and millions almost beyond count of internal and domestic trade—with all her incalculable resources of commerce, agriculture, and manufactures in a state of rapid development—has America, the asylum of the misruled, misgoverned, and oppressed of all climes—the home of civil and religious liberty—the light of the world and the hope of mankind, no higher objects to occupy our attention than those questions which, whatever may be their merits touching the condition of the African race in the several States and territories, do not properly come within the purview of our duties to look after here?—questions,

the discussion of which in this hall can have no possible effect but to create agitation, stir up strife, array State against State, section against section, and to render the government, by suspending its legislative functions, incapable practically of performing those great and essential objects for which alone it was expressly created.

These views I submit to the considerate attention of all. I shall trespass no longer upon your indulgence. I thank the House for their kindness in hearing me. I must apologize for the time I have occupied the floor. I had no idea, when I arose, of speaking ten minutes. I barely wished to say to the gentleman from Tennessee, [Mr. ZOLLICOFFER,] that those gentlemen from the South, who had voted for the Missouri line, could not, because of such votes, be justly held or considered the advocates of the constitutional power of Congress to prohibit slavery in the territories; and but for his extended reply, bringing out new matter, I should not have taken up the ten minutes allotted.

SPEECH ON THE RESOLUTION FROM THE COMMITTEE OF ELECTIONS ASKING FOR POWER TO SEND FOR PERSONS AND PAPERS IN THE KANSAS ELECTION CASE.

DELIVERED IN THE HOUSE OF REPRESENTATIVES,

MARCH 11, 1856.

MR. SPEAKER: It is not my desire to prolong this debate, nor do I expect to present any new points on the merits of the question before the House. I wish, and intend only in what I have to say, to enlarge upon and enforce some of the points made in the minority report on your table. I wish, too, in what I have to say to have the ear of the House rather than the ear of the country; not that I do not want the country to hear what I say, but my main object is to address myself this morning particularly, especially, and emphatically, to the attention of the House and upon the questions before us. These, sir, are grave questions. They are questions involving principles of the first magnitude. They are questions of a judicial as well as political character of the highest order, far above the small consideration of which of two men shall have a seat as delegate here. In deciding them, we sit not as legislators but as judges. Our decision upon this resolution, whatever it may be, will be an important precedent in the future history of this country. We should, therefore, not act without due deliberation, careful reflection, and a full understanding of the principles involved; and we should also be

stripped, as far as possible, of all party bias and all political prejudice.

The proposition before us is one of an unusual character. It is for this House to exercise one of its extraordinary powers; that is, the power to send for persons and papers in a case before us, sitting as a court, judging of the qualifications, election, and return of one who occupies a seat as a territorial delegate upon this floor. Now, sir, I do not question the power of the House to exercise the authority invoked. The gentleman on my right from Pennsylvania, [Mr. KUNKEL,] in his remarks yesterday, spoke as if he thought those of us who oppose the resolution now pending denied the power to send for persons and papers in cases of contested elections; and he cited cases in which it has been done. On this point I wish to be distinctly understood; I do not deny the power in a proper case. Though no instance of its exercise has occurred since the act of Congress of 1851, regulating the mode of taking testimony in cases of contest for seats here; and no case need ever occur, as far as I can see, so long as that law remains on the statute book. Its provisions are full and ample. But should the case occur where it may be necessary, in order to get proper and competent testimony to establish any fact that the House can legitimately and properly inquire into in such investigations, to send for persons and papers, I do not question their power to do it. What I maintain is, that the power can be rightfully exercised only when it is done to procure testimony which is in itself relevant, pertinent, competent, and admissible, to prove such facts as the House can properly consider and look into. Nor do I wish to be understood as being inclined in the slightest degree to oppose investigation in this case to the fullest extent that can be properly gone into by us. Within these limits, I am in favor of the House taking the widest range and greatest latitude of investigation. But is the question before us such a one as would allow a hearing of the testimony sought to be obtained, even if it were at hand? I think it is not. It is to this point I now speak.

What, sir, is the character of the testimony which is asked to be sent for? And what is the object of it if obtained? Sift the whole matter—get rid of the rubbish—go through both reports; and does not the real gist of this application amount to this: The memorialist wishes witnesses sent for to prove the *invalidity* of the law of a territory of the United States, under which a sitting delegate was elected, on the ground that the members of the legislative assembly of that territory which passed it were not properly and legally elected. Is not this a fair statement of the proposition as it now stands before us? It was to get this clear view of its merits before the House that I moved, when it was here before, to refer the proposition back to the committee, to have their reasons and grounds for making it reported to the

House. We now have their reasons; we now know what is their object; and have I not stated it fully and fairly? Then, sir, is the testimony competent if it were here? Mark you; we sit as a court. Would it be admissible in the trial of any case in any court—in a criminal case, for instance—to permit a party to offer evidence to impeach the validity of the law under which the accused was arraigned, by showing that the legislature that passed the law was not properly elected and legally constituted? The *validity* of a law may be inquired into and judged of by a court, on some grounds which might be stated. The constitutionality of a law may be decided upon—that I do not question—but never upon this ground. The rules governing all courts in passing upon laws and construing statutes, I need not here state. But no court, in judging of the *validity* of a statute on any of the grounds they take cognizance of, will ever allow an inquiry into the legality of the election of the members of the legislature that passed it. No case can be found of this character in the whole history of civil jurisprudence.

The reason courts of law will not allow such inquiries to be made before them is, that the decision of all such questions properly belongs to another tribunal—to the Houses respectively of the law-making power itself; and their decision, when made, is considered as the judgment of a court of competent jurisdiction, which no other court will inquire into it. And this House, sitting as a court as it now does, cannot inquire into any fact invalidating or impeaching the validity of any law either of the United States, a State, or territory, which any other court could not inquire into. I assert this as a principle that cannot be successfully assailed. I call upon gentlemen who occupy a contrary position to show a case, if they can, in this or any other country, where the validity of a law in any court of justice was ever allowed to be impeached by inquiring into the legality of the election of the members of the legislature that passed it. That is what we are now called upon to do; and that is what I assert we have no right to do. Why, sir, it is a fundamental maxim of the English law, laid down by Sir Edward Coke, illustrated by Sir William Blackstone, and enforced by every writer on the subject, both English and American, that it is an inherent right of the high court of Parliament—from which, as a model, all our legislative parliamentary bodies have sprung—to settle for itself all questions touching its own organization; and when such questions are thus settled, they cannot be inquired into elsewhere.

What is the question now before us? Under that clause of the constitution which secures to this House the right and power to judge of the qualifications, elections, and returns of those who may be entitled to hold seats on this floor, we have brought to our consideration the right of the sitting delegate of the territory of Kansas. Into his qualifications, election, and return, we have full power to go, and to determine all questions pertaining either

to his qualifications, his election, or return. But in doing this, we are asked to take a step further, and to judge not only of his election, return, and qualifications, but to go into an investigation and judge of the qualifications, elections, and returns of the members of the legislative assembly of Kansas, which passed the law under which it is admitted he was elected. I say, sir, according to the principle which I have laid down, no case in the parliamentary history of England, from which all our institutions have sprung, or in this country, can be adduced to justify or warrant it. I beg leave to call attention to some authority on this point. I read from Sir Edward Coke, (4 Inst., p. 15 ;) in speaking of the high court of Parliament, he says :

“ And as every court of justice hath laws and customs for its direction, some by the common law, some by the civil and common law, some by peculiar laws and customs, etc., so the high court of Parliament, *suis propriis legibus et consuetudinibus subsistit*. It is *lex et consuetudo parliamenti*.

“ And this is the reason that the judges ought not to give any opinion of a matter of Parliament, because it is not to be decided by the common laws, but *secundum legem et consuetudinem parliamenti* ; and so the judges in divers parliaments have confessed.”

On any matter relating to the constitution, organization, rights or privileges of the members of the House of Lords, the Commons cannot interfere. In like matters, relating to the organization of the House of Commons, the Lords cannot interfere. No other court in the kingdom can interfere. The highest court of the realm—the King with the prerogatives of the Crown—cannot interfere. On all these matters each House is a court with full, ample, absolute jurisdiction over the whole subject. And when they are determined by that court, with full and competent jurisdiction over the subject-matter, its judgment cannot be inquired into by any other tribunal. Sir Edward Coke says further, on page 50, same volume :

“ Thus much have we thought good to set down concerning knights, citizens, and burgesses ; because much time is spent in Parliament concerning the right of elections, etc., which might be more profitably employed *pro bono publico*.”

This latter remark is not very inapplicable to our condition. But the author goes on :

“ Now, to treat more in particular (as it hath been desired) of the laws, customs, liberties, and privileges of this court of Parliament, which are the very heart-strings of the commonwealth.” * * * “ would take up a whole volume of itself. Certain it is, as hath been said, that *curia parliamenti suis propriis legibus subsistit*.”

And he goes on to say that it does not belong to the justices of England, or the barons of the exchequer, to judge of any of these coming within the jurisdiction of this court of Parliament. Now, sir, I invite attention to what Sir William Blackstone says on this subject in his Commentaries, with which all of us ought

to be familiar. After referring to these remarks of Coke, and affirming them, he says, in vol. 1, p. 163 :

"It will be sufficient to observe that the whole of the law and custom of Parliament has its original from this one maxim, 'that whatever matter arises concerning either House of Parliament ought to be examined, discussed, and *adjudged*, in that House to which it relates, and not *elsewhere*. Hence, for instance, the Lords will not suffer the Commons to interfere in settling the election of a Peer of Scotland; the Commons will not allow the Lords to judge of the election of a Burgess; nor will either House permit the subordinate courts of law to examine the merits of either case."

All such matters are to be decided by the Houses of Parliament, respectively, not arbitrarily, but according to the usages, customs, and precedents in like cases, which constitute the *lex parliamenti*, or law of Parliament; but when decided, whether right or wrong, there is no power to reverse the decision. Just so, sir, with us; when this House passes judgments upon the qualifications or election of a member here, it is final and conclusive. Here the matter is to be examined, discussed, and *adjudged*; and, when adjudged, it cannot be inquired into elsewhere. So with every legislative body. On this point, I now call the attention of the House to what Mr. Justice Story says upon the same subject in speaking of this clause, in his treatise upon the constitution of the United States. After quoting the clause of the constitution which provides that each House shall judge of the qualifications, elections, and returns of its own members, he says, in vol. II., p. 295.

"The only possible question on such a subject is as to *the body* in which such a power shall be lodged. If lodged in any other than the *legislative body itself*, its independence, its purity, and even its existence and action, may be destroyed or put into imminent danger. No other body but itself can have the same motive to perpetuate and preserve these attributes; no other body can be so perpetually watchful to guard its own rights and privileges from infringement, to purify and vindicate its own character, and to preserve the rights and sustain the free choice of its constituents. *Accordingly, the power has always been lodged in the legislative body by the uniform practice of England and America.*"

If more authority is desired on this point, I refer to Kent's Commentaries, Tucker's, and to all writers on the subject. It is the uniform practice of this country, adopted from England, to leave the adjudication of all questions touching the elections and returns of members of legislative bodies to those bodies themselves. The principle runs through all our State legislatures. It lies at the foundation of all our representative institutions. It is recognized even in all our voluntary associations and conventions, whether civil or ecclesiastical. There can be no efficient political legislative organization without it; and when the legislative body to which the question belongs, has made its decision, there is no appeal to any other power. It is a final judgment rendered. It is so with the decision of this House on such questions. It is so

with the decisions of the Senate on like questions. It is so with the State legislatures, and it should be so in Kansas. If the election of any members of the legislature there, either of the House or the Council, was illegal, the proper place for an inquiry into it was there. And if any person wishing to contest those elections failed to present their case there before the proper tribunal, they cannot come here to do it. If we inquire now into the legality of those elections for the purpose of disregarding or invalidating the law passed by the legislature under which the sitting delegate was elected, why may we not inquire into the validity of the law of Congress organizing that territorial government, upon the grounds that some of the members of this House who voted for it in the last Congress were not properly elected? Or on the ground that some of the Senators who voted for it were chosen by members of State legislatures not properly elected? And this, too, on the still further ground that some of the sheriffs or returning officers in the State elections for members of the legislature perhaps were not legally elected or qualified? If you open the door to such an investigation as that now sought, where are we to stop? Who can see the end of this beginning? Whose vision can take in the wide extent of that vast region of uncertainty, insecurity, abounding in hidden unseen dangers and perils, your course may lead to? I hold, sir, that if a law should be passed by the votes of members now upon this floor who may hereafter be turned out because of the illegality of their election, the validity of such law so passed can never be inquired into either by any court of the land, or even by ourselves, on the ground of its having been so passed. And though a law may be passed in a State or territorial legislature by the votes of members who may afterward be turned out, because of the illegality of their election, yet the validity of such a law can never be questioned in consequence of that fact. But if the principle, now advocated for the first time in our history, shall be established, and the precedent be followed up, you unhinge all legislation; you bring every thing like law amongst us into uncertainty, doubt, and confusion: you cut the "heart-strings," as Coke says, of our whole system of government; you take the first step, and, if it be pursued, that which will prove to be a fatal step towards political and social anarchy. I enter my protest here this day against it.

I repeat, sir, these are grave questions. I give you, Mr. Speaker, and the members of the House, as my fellow-judges in this matter, my views of the rules which should govern us in the judgment we are to render in this case. Weigh them as they deserve, and give them such consideration as they merit.

But the gentleman at my right, [Mr. KUNKEL,] who addressed us yesterday, asked, if the allegations be true as here made, that a set of usurpers assumed to be the legislature of the territory; are we to be bound by that assumption? I say to him, no. The countenance of any usurpation and the exercise of prerogatives,

not duly belonging to any body of men, even ourselves, is what I am against. There must be something more than a bare assumption of legislative authority to entitle the acts of any body of men to be recognized as emanating from a body clothed with power to make laws. The law-making power of this country must rest upon some better showing than bare assumption. It must come into being in the proper and legally constituted way. This is well understood in America. We are not by any means legitimists, in the European sense of the word; but we recognize that government as legitimate which springs into existence by the will of the people, as expressed under the forms of law passed by the regularly-constituted authority of the land. A government so presenting itself we regard not only as the government of the people *de facto*, but *de jure*.

And now, sir, how is it with regard to this legislature of Kansas? We have a law of Congress authorizing it. It is familiar to all. That law organized the territory of Kansas; that law permitted the people there, under the direction of the governor, to hold elections for members of the territorial legislature, with power to pass laws regulating the election of a delegate to Congress. This organic law of the territory emanated from ourselves. This law we are bound to recognize. A governor was appointed in pursuance of it. The governor, the judiciary, the whole machinery of the government there was legally constituted by ourselves—by Congress; and the forms prescribed, through which this territorial body exercising legislative functions came into existence, emanated from the highest authority known to us under the constitution. These facts are admitted. No person questions the public law creating the territorial legislature. Nobody questions the legal appointment of Governor Reeder. Nobody questions the proclamation he issued to hold an election on the 30th of March, 1855, for a territorial legislature in pursuance of our law. These are all admitted facts. If any thing irregular, then, attended the election of its members, it presented a question to be inquired into and adjudged by the proper authority just as similar matters are inquired into and settled in other elections of legislative bodies—just as we inquire into such matters pertaining to our own organization. When, therefore, it is admitted that an election for members of the territorial legislature was held in Kansas on the 30th of March, as stated in pursuance of law, under the direction of the legally-constituted authorities of the country, we are bound to recognize the body so coming into life as legitimate in its origin. It certainly did not spring from usurpation; nor does it rest its claims of legitimacy upon bare assumption. It had its birth in a legal way.

But here comes the argument from the other side that it was spurious, because the members who constituted it were not properly elected in conformity to the laws under which it was created. Well, sir, that was a judicial question to be settled and

determined by the *lex parliamenti*, according to the authorities I have cited, and the universal practice of this country in like cases. It does not come within the purview of the powers of this House to settle that question. It was an inherent right in the Houses of the Kansas legislature to judge and decide upon the qualifications, elections, and returns of their own members respectively. This power, says Story, by universal practice in England and in this country, is lodged in every legislative body to determine for itself. It is, indeed, one of the vital functions of the organism. The question was a judicial one, which somebody was to determine; and what body was it? The courts of the country (say all the authorities) cannot take cognizance of it. Governor Reeder, as it appears from the papers before us, insisted that it was his right, under the law empowering him to prescribe the rules governing the election, to decide it; and the two Houses of the legislature insisted that it was their parliamentary and legal right to decide it. My opinion is, that the Houses were correct in their position. But, be that as it may, the merits of the question before us are not affected by it either way; for, if Reeder, as governor, had the right, it is an admitted fact that, out of twenty-six members composing the House of Representatives of Kansas, he, as governor, claiming the right to judge of this matter, did *judicially*, and not *ministerially*, award certificates to seventeen of these members, as having been duly and properly elected on the 30th of March, in pursuance of his proclamation duly and legally made. And like certificates he gave to ten out of the thirteen members composing the council. Thus a large majority of both branches of the legislature were *adjudged* by him to be duly chosen and returned members thereof—members whose election, he now says, was carried by an invasion, and that they held the places which he assigned them by nothing but usurpation! I am not now upon the question of his estoppel; I am considering the question of his right to judge, and, in that view, the effect of his judicial judgment rendered in the case. Keep in mind that, upon every question before any tribunal which has the sole and absolute right to judge in the matter, when the final judgment is rendered, it is forever conclusive upon the points embraced in it. Elections were held in May, by order of the governor, to fill the places of the nine members and six councilmen rejected by him at the March election. To those elected in May to fill those places he gave like certificates. Every man who took his seat in the legislature at its organization was adjudged and certified by the governor to be entitled to it. The legislature, therefore, if the governor had the right to judge, was legitimately and legally constituted; and their claims to be recognized as the proper law-making power of the territory rests not upon bare assumption or usurpation. And, on the other hand, if the Houses had the right to settle these questions touching their organization, the result is the same; for they too, settled the question the same way as to

the original seventeen members of the House and ten councilmen, and their judgment must be conclusive upon the fact that a majority of both Houses were properly constituted. In either view, therefore, we may take as to the hands in which this power of judging was lodged, the question is a closed one; it is *res adjudicatæ*, and we have no right now to open it. I repeat, I am not now upon the point of Reeder's individual or personal estoppel in law. What I affirm is, that this question, from admitted facts, is closed; judgment has been rendered, and there is no appellate jurisdiction in this House, nor in any other tribunal. We can no more open this question than we can that of the proper organization of any State legislature.

The gentleman on my right to whom I have alluded, [Mr. KUNKELE,] said, in the course of his remarks yesterday, that we, this House, have got a right to go, and have often gone, into an inquiry into the validity of the laws of the States in judging of elections to this House. Sir, I do not deny this. I admit that we may pass upon and judge of the validity of any law coming before us in such cases, just as any court may do, and upon just such grounds and such grounds only as courts may properly do. The grounds upon which this inquiry is sought courts will never inquire into, and we have no right to do it. There are some matters touching legislation and the rules governing the law-making power which must be considered as closed; and when judgment is rendered in them it must stand until the great day of judgment.

MR. SIMMONS. Will the gentleman allow me to ask him a question?

MR. STEPHENS. With pleasure.

MR. SIMMONS. I ask whether a judgment is valid for any purpose whatever, until it be shown that the party, in whose name it is, is the true party?

MR. STEPHENS. To ascertain the true and proper party is part of the proceedings before judgment. That is one of the matters to be settled by the judgment, and when once settled by judgment finally rendered by a court of competent jurisdiction over the subject-matter, it is settled forever. Whether the party in whose favor it be rendered be the true party or not, cannot be inquired into afterward or elsewhere. And so in this instance persons presented themselves as the elected representatives of the people of Kansas, in their legislature. They presented their credentials: the governor claiming the right to pass judgment judicially in their favor, certified that they were the proper and true party. They then took up their own credentials in the usual way of legislatures, and came to a similar judgment, as to a large majority in both Houses. That judgment, viewed either way you please, is final on that occasion. That is my answer to the gentleman.

But the gentleman from Pennsylvania, in speaking of the

inconsistency of Governor Reeder's course—for even he seemed ready to admit his great inconsistencies—

Mr. KUNKEL. No, sir; I said it was not necessary to my argument to prove that Governor Reeder was consistent.

Mr. STEPHENS. And the gentleman added that he could not speak for his consistency. Now, what I was about to submit to the House is, whether anybody can defend his course? I intend to speak of the facts as they are detailed before us in these reports, and as we know them to be. He was duly appointed governor of Kansas. He accepted the trust and was in office, when, according to his own showing, the election which took place in that territory on the 30th of March was held in pursuance of his own proclamation. Twenty-six members of the House of Representatives, and thirteen members of the Legislative Council, were elected. These were the numbers of which the Houses were respectively composed. He assumed the right to judge of the election returns of these members. The rules governing the elections were prescribed by himself, and very rigid ones they were. The judges of elections were required not to allow any non-resident to vote, and to take an oath that they would not. These returns were submitted to him, and he examined them. He ratified the returns, and gave certificates to seventeen members of the House, and rejected but nine. He gave certificates to ten members of the council, and rejected three. He ordered a new election to be held, to fill the places of those vacated by himself, but the two Houses, as I have stated, assuming the right to judge of the qualifications of their own members after they met, decided in favor of those who had the highest number of votes on the first election.

But, sir, it was three months and upward from the holding of this March election until the legislature met. He then said nothing of what we now hear of the manner of this election. But he, as governor, upon being notified that they were organized in obedience to his own call, addressed them as the legally assembled and constituted legislature of the territory. As late as the 21st of July, *after the Houses had acted upon the subject of the contested seats in the cases of the nine members and three councilmen rejected by him*, he again addressed them in a message, and in it he says nothing of an invasion. He says nothing of subjugation—nothing of “martial music” and “artillery”—nothing of “border ruffianism”—*nothing of their action in the cases of contest referred to*. But he addressed them *then* as the legally constituted legislature of the territory. If, therefore, Governor Reeder had the right to judge of the election returns, as he claimed, was not his *acquiescence* in the decision of the Houses on matters pertaining to their organization an *affirmance* on his part of their *judgment* in those cases? And at his instance shall we now go behind, not only the judgment of the Houses of the

legislature on these questions, but his affirmance of that judgment by an official act of Governor Reeder himself.

But, sir, I wish to notice some other matters that have dropped in this debate. Another gentleman from Pennsylvania, on my right, [Mr. CAMPBELL,] gave as a reason why this investigation should be gone into—why we should set aside Governor Reeder's own judgment in this case—that he was a gentleman of high character—a man of worth, standing high in the estimation of the people of his State, and that this investigation was due him as such. Well, Mr. Speaker, I say to the gentleman that, if what Governor Reeder now says be really true, he certainly has forfeited and lost all just claims he may have had to the high and exalted opinions of his countrymen; he certainly shows himself guilty of the most flagrant and gross dereliction of duty that any public officer in the whole history of the country was ever guilty of. The gentleman from Pennsylvania must admit that if the territory committed to his charge was invaded by an armed force, by which the legally qualified voters of the territory were driven from the polls in every district save one, and the polls seized by non-residents, who by violence carried the election—if that be true which Governor Reeder now affirms to be true—if that took place which he now says did take place, and he silently sat by and saw all, and afterward recognized these invading hordes as the duly elected legislature of the people, as he certainly did, then he was guilty of a base disregard of his official duty, without a parallel in our history, and one that no depth of infamy and degradation would be too low to assign him to for.

Mr. CAMPBELL, of Pennsylvania. If the gentleman from Georgia will allow me, I desire to ask him, if these things can be substantiated, why deny to Governor Reeder this investigation? Governor Reeder is ready to prove that his course was consistent, honorable, and proper. I ask that the gentleman will hear him, and then decide.

Mr. STEPHENS. Governor Reeder can never show that his course was proper and becoming an officer in his position, if what he states be true. I am not for this investigation, because I do not think it is right to make it. I do not regard it as a part of my duty to make improper investigation to sustain a man who, by his own statement, shows himself to have been guilty of a gross disregard of his official duty. So far as he is concerned, his showing makes no favor with me. When a man comes here, and on his own statement, out of his own mouth, makes it appear, if his statement is to be credited, that he was guilty of the grossest neglect of duty, it does not commend him to my favor. Such statements or calls for investigation have not much force in inducing me to follow his example in the commission of a wrong, or in disregarding my official duty. But what I was about to say was, that if his statement be true, he is not now entitled to that high encomium which the gentleman

pronounced upon him. If he, as governor of a territory, permitted such unheard of outrages to be committed there without a word of complaint, but giving his sanction to the whole of them—which upon his own showing, you must admit he did—then he is not entitled to that high position which the gentleman says he occupied in the estimation of the people of Pennsylvania before he left that State.

It may be true that Governor Reeder, while in Pennsylvania, was a gentleman of good character and high standing. That does not show that he is entitled to be held in the same estimation now. His course, by which he may have justly forfeited that character, we have before us. Neither is his present position, contrasted with his former, an isolated or singular one. A gentleman once occupied a position in this country second to no one then living. For thirty-six ballots he held the votes of this House, in even balance for the chief magistracy of the country. He stood shoulder to shoulder with a head quite as high as that of Jefferson himself. Who stood higher than he? Who shone brighter than these two men? Twin-brothers in politics, as two morning stars they appeared rising together in the day-dawn of our nation's glory; but disappointed hope, and blasted ambition, caused Aaron Burr—like Lucifer—like the archangel, standing high in heaven, next to the throne itself, to fall, and from his fall to rise no more. It may be so with Governor Reeder. A man he may have been of high character, fair fame, and high ambition; but his ambition has "overleaped itself," and fallen on the other side. History, I dare say, will assign him his true position. There let him rest. We are to deal with the facts as they appear before us.

The gentleman from Ohio, [Mr. BINGHAM,] the other day, said the legislation of the territory of Kansas was null and void upon its face. He wished no better evidence of the invalidity of the laws than that which is to be found upon their inspection. He read one of their acts, which makes it penal for any individual to steal a slave, or to induce him to run away from his master, or to harbor such slave. Such a code he pronounced more infamous than that of Draco, and asked whether we were bound to recognize as valid any such law as this, and some others he mentioned. Why, sir, there is a law in the gentleman's own State, Ohio, that punishes any person who entices an apprentice to run away, or who harbors him after he has run away. Whoever harbors an apprentice escaping from the tyranny, perhaps, of his master—an orphan boy, it may be—whoever gives him bread in his wanderings—as the gentleman was very pathetic I must follow him—under the Ohio law is subject to indictment and punishment. The man that would give one, thus in distress, shelter and a cup of water—

Mr. BINGHAM. Did Ohio law make it a felony?

Mr. STEPHENS. No, sir; but it makes it a crime. The only

difference between your law and that of Kansas is as to the grade of crime and the extent of punishment.

Mr. BINGHAM. What law does the gentleman refer to!

Mr. STEPHENS. I refer to the law in reference to apprentices, and the enticing them away. I am not complaining of the law, but only showing how the gentleman's declamation can be answered. Every community, sir, must judge for itself in all such cases, both as to the grade of the crime and the punishment to be inflicted. But to the gentleman, in this case, I would say as Scotland's poet said to the "unco guid" of his day—

"Oh, ye who are so good yourself,
So pious and so holy;
Ye've nought to do but mark and tell
Your neighbor's faults and folly.

* * * * *

"Ye see your state with theirs compared,
And shudder at the niffer;
But cast a moment's fair regard,
What makes the mighty differ!"

It is only on the point as to the extent of the punishment that the Ohio laws, in this instance, differ from those of Kansas. Now what I maintain is, that if any of these laws of the territory be not good laws or wise laws suited to the people there, let them be changed by the people in the regular legislative way. We belong, sir, to a government of law; and it is the duty of every good citizen to sustain the law as it exists, until it is changed and modified by the proper authority, or until he is ready for revolution. What characterizes the United States and distinguishes us above all other nations more distinctively than this—that here we have a government of laws emanating from those who are controlled and governed by written constitutions? If our laws are wrong we have but to go to the polls—to the ballot-box—to have them amended, corrected, and suited to the public wants. To the ballot-box and not the cartridge-box, the people should go to settle questions touching the character of their laws. "*Inter arma silent leges.*" If, by the Kansas law regulating the election of a delegate on this floor, any person is allowed to vote who were not entitled to vote under their organic law, and any such person in the late election did so vote, and Governor Reeder had gone into the contest, and had come here showing us that such illegal and improper votes had been polled for the sitting member, and that he had received a majority of the legal votes of the territory, I should not have hesitated in doing what I could to give him the seat. But he did no such thing. He and his friends set themselves up in opposition to the law, denied its force and validity, and are now attempting to overthrow the only government and system of laws in that territory to which the people

can look with confidence and security for the protection of their lives, liberty, and property.

This clamor, sir, about a majority of the people of Kansas being opposed to General Whitfield's election here will not do: it will not bear the test of notorious facts. If it were so, why had he no competitor at the polls? Where was Reeder that he did not show his relative strength with him before the people? This is not the first time that General Whitfield was a candidate before them. He was elected in November, 1854. At that time he had competition. I have before me the official poll made out and entered upon the executive minutes by Governor Reeder himself. Here are the entries:

"December 4, 1854.—The judges of the several election districts made return of the votes polled at the election held on the 29th day of November last, for delegates to the House of Representatives of the United States, from which it appeared that the votes in the said several districts were as follows:

DISTRICTS.	J. W. Whitfield received—	J. A. Whitfield received—	R. P. Fleniken received—	John B. Chapman received—	Charles Robinson received—	S. C. Pomroy received—	P. Blood received—	W. L. Garrison received—
First.....	46	188	51	9	2	2	1	1
Second.....	235	20	6	-	-	-	-	-
Third.....	40	-	7	1	-	-	-	-
Fourth.....	140	21	-	-	-	-	-	-
Fifth.....	63	4	15	-	-	-	-	-
Sixth.....	105	-	-	-	-	-	-	-
Seventh.....	597	-	7	-	-	-	-	-
Eighth.....	16	-	-	-	-	-	-	-
Ninth.....	9	-	31	-	-	-	-	-
Tenth.....	2	6	29	-	-	-	-	-
Eleventh.....	237	-	3	5	-	-	-	-
Twelfth.....	31	9	-	1	-	-	-	-
Thirteenth.....	69	-	1	-	-	-	-	-
Fourteenth.....	130	-	23	-	-	-	-	-
Fifteenth.....	267	-	39	-	-	-	-	-
Sixteenth.....	222	-	80	-	-	-	-	-
Seventeenth.....	49	-	13	-	-	-	-	-
	2,258	248	305	16	2	2	1	1

"December 5, 1854.—On examining and collating the returns, J. W. Whitfield is declared by the governor to be duly elected delegate to the House of Representatives of the United States; and same day the certificate of the governor, under the seal of the territory, issued to said J. W. Whitfield of his election.

Here the number of votes appear officially and in full, in all the election districts in that territory, numbering from one to

seventeen. There is the poll, examine it—for J. W. Whitfield, 2,258; for J. A. Whitfield, which was by mistake for his name, 248; making his real, entire vote 2,506; and for Flenniken, his highest opponent, only 305. The whole number of votes polled were 2,833; so that Whitfield in that contest received more than eight times the number of votes polled for Flenniken, his highest opponent, who was the candidate of Reeder and his party, and who now pretend to be a majority in the territory. At the last election Whitfield got 2,936 votes, without opposition.

Mr. CRAIGE. What has become of Flenniken?

Mr. STEPHENS. Flenniken flunked! The last I heard of him he was on his way back east, where he came from. [Great laughter and applause upon the floor and in the galleries.] He has never been in the territory since, as I have been informed.

Mr. Speaker, I do not think that the investigation now sought is right, for the reasons I have given. I am opposed to it *in toto*. But if it is to be gone into, would it not be much better to send out a commission, as is suggested by the minority of the committee of elections? Nay, I go further. Would it not be much better to send a committee of the House—the committee of elections themselves, if you please? If we are to go through with this exceedingly complicated affair, would it not be better for the committee to go to the hundreds and thousands of witnesses that may have to be examined, than to bring such a “cloud” of them to the committee?—as the “mountain cannot conveniently come to Mohammed, is it not better for Mohammed to go to the mountain?” Send the committee out there if a full investigation is what you are determined on, with the same power in the premises; and let them make their investigations upon the “battle grounds,” if they are to be found in the vicinage of the voters. If you are going a-fishing for all the facts in real earnest, why not make a complete drag of it at once? Send out the arms of your net far and wide, and make a thorough haul over the whole broad territory, and bring to land every thing, whether fish, eel, or serpent?

But, Mr. Speaker, in conclusion, I am against this resolution for another reason. I am against it because it is but a part and parcel of a policy now pursued by some men in Kansas and elsewhere, which cannot be looked upon in any other light than revolutionary in its character. Gentlemen cannot be mistaken in this particular. There are men in Kansas who seem to have resolved on rebellion. They were among the original enemies of the Kansas bill. When their leaders were beaten in this House and in the Senate, and that great measure of sectional and national equality was carried against and over their votes, they betook themselves to new schemes to prevent its potent influence in allaying agitation, and to make it the occasion of continued strife and discord. The territory was not left to settlement by the people of all the States equally and fairly, as the laws of climate,

soil, locality, production, and population might determine; but emigrants from distant points were stimulated, if not hired, to go there with no purpose but mischief. Their main object was not to become *bona fide* settlers, but to control the first elections. In this they were beaten, as fully appears in the present sitting delegate's first election, which I have shown. They were also beaten in the first election of members to the legislature, as appears from the certificates before alluded to, given to the members of that body by Governor Reeder himself. And now, disappointed, discontented, and disaffected at these series of defeats in their designs and objects, they are about to betake themselves to the last resort of malcontents, a trial of physical force. Arms are collected—fortifications are built—munitions of war are provided—Sharpe's rifles are procured—volunteers are invoked—aid and assistance from a distance are looked for—money is raised—and hostility against the existing legally-constituted authorities is openly avowed. The telegraphic dispatches of this morning announce that the government proclaimed by the Topeka convention is to go into operation at all hazards. All these movements are lawless, insubordinate, and insurrectionary. Governor Reeder may be considered as at the head of them, the commander-in-chief of the whole of them; and his movement here can but be viewed as a part of his general plan of operations. Any countenance he may seem to receive, therefore, at our hands, can but favor his ulterior designs. This must be all he looks for. He cannot expect to be voted a seat on this floor.

Now, sir, let us pause and reflect. How far in this business do you intend to proceed? Are you going to back those deluded men in Kansas, whom Governor Reeder represents here, while they stand with arms in their hands? We see by the President's proclamation that he intends that the laws of that territory shall be executed, as it is his duty to do. Now, which side are you going to take, when Sharpe's rifles and Federal artillery are brought in array against each other in this threatened conflict? Ought we to do any thing calculated to inspire or encourage any misguided portion of the people of this country to put themselves in open, hostile, armed resistance to the laws? What is this but treason as expounded by our courts? Our history, as a united people, dates back for more than seventy years; and no conviction for this highest crime known to society has ever, as yet, marred that history. No nation perhaps ever existed in the world so long, of which the same can be said. I feel the prouder of my country because it is so; and long may the day be hence before, if ever, such a case shall occur. I trust that my eyes, at least, will never see the light of that day when American soil shall be stained with a traitor's blood. Some persons in Kansas may have, under their delusion, gone very far; but I trust that the *locus penitentia* in every such heart will be found before the last extreme step be taken. Let us be careful,

at any rate, that we do nothing here in this matter which may tend to encourage them to take that step. Let it be our aim and our object rather to "pour oil on the troubled waters." Ours is a government of laws. Let us, then, in our action in this case, set a good example, not only to the people of Kansas, but to the whole country, by adhering strictly ourselves to the principles and precepts of the laws established for the government of all our deliberations and proceedings here. This investigation proposes to lead us into an inquiry into subjects over which I think I have clearly shown we have no proper or legitimate jurisdiction. Let us not, then, assume powers and prerogatives which do not belong to us, in our attempting to see if another body has not done it; and, particularly, let us not do it for bare party purposes, when the only effect of it may be to put in hazard the peace and quiet of the country. These, sir, are my views and opinions upon the proposition before us.



SPEECH ON THE BILL TO ADMIT KANSAS AS A STATE UNDER THE TOPEKA CONSTITUTION.

[NOTE :—In this speech, Mr. Stephens took occasion to review and set at rest the charges, as to the manner the Kansas Act passed against the rules. Also his views on slavery at large. Ed.]

DELIVERED IN THE HOUSE OF REPRESENTATIVES.

JUNE 28, 1856.

The House having under consideration the bill reported from the committee on territories, providing for the admission of Kansas into the Union as a State, with the constitution prepared at Topeka by the free-State party,

Mr. STEPHENS said; I propose, Mr. Speaker, before I proceed to what I have arisen mainly to say on this occasion, to ask the consent of the House to allow me now to offer the amendment which I stated yesterday I wished to propose to the bill now before us.

Mr. WASHBURN, of Maine. If the gentleman asks that consent now, I shall object to it, as I shall at all times.

Mr. STEPHENS. On the motion to commit the bill to the Committee of the Whole on the state of the Union, the amendment is not in order, unless by unanimous consent.

Mr. WASHBURN. I understand that to be a side measure, intended to destroy the bill, and I shall object to it now, and at all times.

Mr. STEPHENS. I state to the gentleman that I have no *side blows* for this bill, nor is my amendment intended as any *side*

measure. I wish my proposition to come distinctly before the House as a substitute for the pending bill. I am opposed out and out to this bill as it now stands. I want no misunderstanding on that point. I will, however, vote for the substitute; and what I want is a direct vote between the bill now pending, and the substitute offered as an amendment. But as the gentleman from Maine will not allow me to offer my proposition as an amendment, I now move to amend the motion to commit this bill to the Committee of the Whole on the state of the Union, by adding to it, "With instructions to report this amendment in lieu of the original bill;" in other words, with instructions to strike out all in the original bill, and to insert my amendment in lieu thereof. That is the motion which I submit to the House and upon it I shall proceed with what I have to say.

It is immaterial to me, Mr. Speaker, if I can get a vote in the House on the proposition submitted by me, whether it goes to the Committee of the Whole on the state of the Union, or not. I am myself prepared to vote on it to-day, either in the House, or in the Committee of the Whole on the state of the Union. But I am inclined to think that it had better go to the committee. We can then take up this amendment, and consider it in detail. It may be some gentleman would suggest modifications, which I would accept. We can then discuss the merits of the original bill. Its friends can amend that, if they wish. My amendment can be put in such form as a majority of the committee may desire, if a majority be favorable to its objects. I therefore shall vote for the reference. But the gentleman from Ohio, [Mr. CAMPBELL,] the other day said, that the motion to refer or commit, made by the gentleman from Indiana, [Mr. DUNN,] and which is now pending, was equivalent, if successful, to a defeat of the bill. The gentleman from Maine, [Mr. WASHBURN,] also followed in the same line. Now, I told these gentlemen, day before yesterday, and I state it again to the House, that I do not consider the motion to commit the bill to the Committee of the Whole on the state of the Union, if carried, as equivalent to a defeat of the measure at all. By no means, sir. What is the argument of those who say a reference of the bill is tantamount to its defeat? Nothing better than this, as argued by the gentleman from Maine, to wit: that all the friends of the Kansas bill, two years ago, when that bill was referred to the Committee of the Whole on the state of the Union, considered it as equivalent to its defeat. That is his argument, and the authority adduced by him to sustain it. Sir, it is immaterial to me what certain friends of the Kansas bill may have thought would be the effect of its reference, when it was referred. If they consider that reference as equivalent to its defeat, the sequel showed that they were in error. That is all. It was referred. It was considered two weeks in committee, and it was then passed.

Mr. WASHBURN. Will the gentleman allow me to say that that

was simply because they broke down the rules of the House in two instances. If they had not, they never could have got that bill out of the committee.

Mr. STEPHENS. Will the gentleman state what two instances.

Mr. WASHBURN. In the first place, by deciding that under the 119th rule you might strike out the enacting clause of the bill. In the second place, by rising and reporting the bill to the House when there was no quorum voting, as everybody knows.

Mr. RICHARDSON. The gentleman from Maine is totally mistaken when he says there was no quorum.

Mr. STEPHENS. I hope the gentleman from Illinois will let me proceed. The gentleman from Maine is mistaken in both his instances. The record shows that the tellers, Mr. CLINGMAN and Mr. SAPP, reported 103 in favor of the motion, and 22 against it. That is more than a quorum—one hundred and eighteen was a quorum—one hundred and twenty-five voted. Though a great many present refused to vote, more than a quorum, however, did vote on the motion to strike out. It does not require a quorum to vote on a motion to rise, as every one knows. And as far as the violation of the 119th rule is concerned, I have this to say to the gentleman—as I said the day before yesterday—that nothing can be clearer than that every thing done in the committee on the passage of the Kansas bill under the 119th rule, was legitimate and proper; and that no rule of this House was violated or overrode on that occasion. This I intend to show beyond cavil or doubt. The charge that there was no quorum voting is answered by the record, as I have stated; then as to the two other charges—for besides the charge relating to the 119th rule now made, the gentleman from Maine, [Mr. WASHBURN,] or some other gentleman, said, two days ago, that there was another rule violated. What one I do not know—for no one was mentioned—but the statement was, that the committee had violated the rules of the House by setting aside other bills having priority in the order of business on the calendar to the Kansas-Nebraska bill. That was one statement; and I think it was also said that upward of a hundred bills were thus set aside to reach this one. Now, Mr. Speaker, I have the rules of the House before me, and ask the attention of the House to the 135th rule:

“In Committee of the Whole on the state of the Union, the bills shall be taken up and disposed of in their order on the calendar; but *when objection* is made to the consideration of a bill *a majority of the committee shall decide, without debate*, whether it shall be taken up and disposed of, or laid aside; provided, that general appropriation bills, and, in time of war, bills for raising men or money, and bills concerning a treaty of peace, shall be preferred to all other bills at *the discretion of the committee*; and when demanded by any member, the question shall *first be put in regard to them*.”

Even in times of war, appropriation bills, and bills relating to

treaties of peace, have no other preference, except that the question of taking them up first shall be first put. A majority may lay even them aside.

Sir, could a rule be written more plainly? Can language be more clear or more distinct than this—that when the House goes into the Committee of the Whole on the state of the Union, and when the first bill in order is read by the clerk, and a gentleman objects to taking it up, it is then submitted to the committee whether it will be taken up or not; and a *majority of the committee have the expressly-granted power to determine, without debate*, whether they will then act on it, or lay it aside for other business; and so on to the second, and so to the third, and to the fourth, and to the one hundred and fiftieth, if you please? Was it not perfectly competent for a majority of the Committee of the Whole on the state of the Union, when the Kansas bill was in committee, to pass over other bills, and take up that bill when they wished to do so?

This they did. Each bill was laid aside as it was reached. They had a right to do it. They violated no rule in doing it. The number of bills laid aside to reach it was only eighteen, I think. But if the number had been legion—if there had been one hundred, or five hundred, or a thousand, it would have made no difference.

Sir, the rule in this case is as clear as it could be made; and the action of the committee on that occasion was strictly in order. This I maintain, and defy an answer or reply to it.

Now, then, sir, as to the 119th rule.

When the committee on that occasion had laid aside the first bill, and the second bill, and the third bill, and so on, until they had come to the Kansas bill, the eighteenth in order—which they had a right to do—they took it up for consideration; and after it had been discussed for two weeks in committee, which was as long as was thought proper by the House, the 119th rule was resorted to, to stop debate in committee and bring the subject before the House for a vote. That rule is as follows:

“A motion to strike out the enacting words of a bill shall have precedence of a motion to amend; and, if carried, shall be equivalent to its rejection.”

Under this rule, a motion was made by myself in committee to strike out the enacting words of the Kansas bill—a motion which *took precedence of all motions to amend*, as the rule says. The motion was properly put; and it was carried by a vote of one hundred and three for it, to but twenty-two against it, as I have said. Where, then, was there any violation of the rules in this? But the gentleman from Ohio, [Mr. CAMPBELL,] who says he wishes to reply to what I say, insisted the day before yesterday that this 119th rule never was intended to apply in committee.

The rule, in its language, was too clear, too overwhelming, too

unanswerable; but to avoid its conclusiveness against him, he said *it was made to apply to the House, and not to the Committee of the Whole, etc.* Well, sir, let us see how this subterfuge will avail the gentleman. The history of this rule, as given in our Manual, is as follows:

“In 1814, a Committee of the Whole struck out the first and only section of a bill, and so reported to the House. Mr. Speaker Cheves refused to receive the report, on the ground that it was tantamount to a rejection of the bill, which the committee had not power to do.” Just as the gentleman now says. “After this, that the merit of questions might be tested in Committee of the Whole, rule 119 was adopted.”

This history clearly shows that it was expressly *adopted for the Committee of the Whole, etc.*

I have produced this additional authority to show that there was *no violation of the rule on the occasion alluded to*—that the Committee of the Whole on the Kansas bill did just exactly what the rule intended that they might do, and fully empowered them to do. But gentlemen say, if this rule was *intended* to be applied to the Committee of the Whole, why has it never been put in practice before? That was the argument of the gentleman from Maine.

Well, Mr. Speaker, my reply to him is, that it has been put in practice before. It was adopted in 1822. Ten days after its adoption, on the 2d of March, 1822, first session of the Seventeenth Congress, I find the journal of the House record thus:

“The House took up and proceeded to consider the bill for the relief of Benjamin Freeland and John M. Jenkins; and the amount reported there-to from the Committee of the Whole House, on the 14th instant, being read as follows: ‘*striking out the enacting clause of said bill,*’

“The question was put on concurring with the Committee of the Whole House in the said amendment,

“And passed in the affirmative.”

Here the committee did the very same thing, ten days after the rule was adopted, that was done on the Kansas bill. What did the House do? Did they say that the Committee of the Whole had acted improperly? No, sir. The Journal says: “The question was taken upon concurring with the Committee of the Whole on said amendment, and it passed in the affirmative.”

I find in the first session of the Eighteenth Congress, on the 22d of May, this record:

“The question was then taken to concur with the Committee of the Whole House on striking out the enacting words of the bill from the Senate, entitled, ‘An act relative to the Patent Office, and to the salary of the Superintendent thereof,’

“And passed in the affirmative.”

Again, sir, in the first session of the Twenty-First Congress, I find on the journal this record:

“The House resolved itself into a Committee of the Whole House on the bill (No. 127) for the relief of Walter Livingston, deceased, and after

some time spent therein, the Speaker resumed the chair, and Mr. Storrs, of New York, reported the same, with the *enacting clause stricken out*.

"The question was then put, that the House do concur with the Committee of the Whole House in striking out the enacting words of said bill, "And passed in the affirmative—yeas 84, nays 59."

I find in the same Congress, in the action of the House on the bill for the relief of John Robinson, that

"The question was then put to concur with the Committee of the Whole House in striking out *the enacting words of the bill* (No. 175) for the relief of John Robinson,

"And passed in the affirmative.

"So the land bill was rejected."

Sir, I shall not go on with this record. It is sufficient for me to state to those gentlemen who complain of my motion under this rule, that their not knowing that such a motion had ever been made before does not seem to me to be an argument of much merit or force. I show you, Mr. Speaker, the House, and the country, the rule. No man can question that. I show you, also, its history; and from that, that it was made for just such a purpose as the one I applied it to. No man can now gainsay that. I go further, and show you the *practice* of the House under it. No man can any longer question that. Then, sir, how can gentlemen rise up here, and say that the passage of the Kansas and Nebraska bill was accomplished by overriding the rules of the House? Gentlemen may have been surprised and astonished at the parliamentary tactics practiced under the rule; they may never have dreamed of how the friends of a measure, in committee, could vote to strike out the enacting words—thus apparently defeating it—and then, when it was so reported to the House, reverse their position, disagree to the report of the committee striking out the enacting words, and then pass it. They may not have understood the process by which a bill might be temporarily apparently killed by its friends in Committee of the Whole, for the purpose of getting it out, and then revived again in the House, by disagreeing with the report of the committee; but this is the whole of it. This is the ground of all this clamor about the violation of the rules of the House, in the passage of the Kansas bill—for it is nothing but clamor.

The charge of a violation of rules has not the semblance of a fact to rest upon. And let no man hereafter say that sending a bill to the Committee of the Whole is equivalent to its defeat. Our rules requiring this committee, and directing how business shall be disposed of in it, are wise and proper. And the rules, when properly administered, work harmoniously for the perfection and despatch of legislation. It is only those who do not understand them who see confusion and mystery in them. Where, then, was the wrong or the fraud perpetrated on the rules in the passage of the Kansas bill? It exists only in the fancy of gentlemen who declaim so violently on the subject. I said, sir, I in-

tended to vindicate the action both of the committee and the House on that occasion, and put the matter beyond all future cavil or doubt. This, I think, I have done. Now, sir, I intend also, with the same confidence, to vindicate the principles of that bill against the equally unfounded assaults which have been made upon them. What, sir, are those assaults?

The gentleman from Ohio [Mr. CAMPBELL] said the other day, and again says, that the passage of the Nebraska bill was the origin of all the troubles in the country. Sir, what troubles does he allude to? What troubles have we upon us? Standing in my place in the Hall of the Representatives of the United States, I ask to-day, what troubles is the country laboring under? Were any people of the world ever more prosperous than the people of the United States now are? We are at peace with all other nations; we hear of no complaint about Federal taxes or high tariffs; we hear of no disarrangement of the currency or of the finances of the country; we hear of no clamor against banks; our tables are not loaded down with petitions or remonstrances against grievances of any sort; thrift and plenty seem to be smiling over the land from one extent to the other. Our commerce was never more flourishing; agriculture never yielded a more bountiful supply from the bosom of the earth to the tillers of her soil than it now does, nor was the average value of products ever higher. Industry, in every department of business, whether upon the ocean or the land, never had more inducements to ply its energies, not only for competency and comforts, but for the accumulation of riches and wealth. Never did labor, in all its branches, receive more readily than it now does fair and justly compensating wages. Our internal and foreign trade was never in a more flourishing condition. What are the troubles, then, of which the gentleman speaks? Why, sir, if one could cast his eye over this wide republic at this time, and see the thrift and prosperity in every department of industry, arising from our benign institutions, he would almost be compelled to exclaim, that all the troubles of which we hear grow out of nothing but that exuberance of liberty and multitude of blessings which seem to be driving us on to licentiousness. This we see in the mobs at Cincinnati, Louisville, New Orleans, in this city, and in San Francisco. The laws have been set aside; force has been resorted to; arms have been used; and men have been slain. But the absorbing theme now is the "civil war," as it is called, in Kansas. This is the announcement made in a neighboring city, the commercial metropolis of this Union, the other night, according to a report of their proceedings which I find in a newspaper, to a large crowd of people there assembled. I see it was proclaimed that civil war was raging in Kansas; and that that assembly gave shouts of applause at the announcement! These are the troubles, I suppose, of which the gentleman speaks—troubles produced not by this Kansas bill, but by the mischievous designs and reckless purposes of

those who, in their efforts to defeat the quiet and peaceful operation of the sound purposes of that bill, have for some time been engaged in their unholy work of attempting to get up civil war in the country, and can now shout in applause at even the most distant prospect of success.

This, sir, is the work of that class of restless malcontents, who have for years been endeavoring to produce a sectional conflict in this country; who have no regard for the constitutional equality of the States of this Union; who repudiate the most sacred obligations of that compact which binds us together, and who have proclaimed that the constitution itself is a league with death and a covenant with hell! How far they shall be permitted to go on with their work until checked by a sound reactive public sentiment—how far they shall get sympathy and co-operation from those whom they are now attempting to mislead—how far they may be successful in their long cherished wish for civil strife, I cannot say. That is a problem for the future to settle; that depends upon the virtue, intelligence, and integrity of the people. But that they ought not to succeed—that they ought not only to be discouraged, but rebuked and condemned in every part of this country, and by every man who has a spark of patriotism in his bosom, as well in the North as in the South, I this day maintain. But the gentleman from Ohio says all this comes from the Kansas bill. How? In what way?

What is there wrong in that Kansas measure? It has been said that it is a fraud. It has been said that it is the greatest of iniquities. It has been said that it is a crime against God. It has been said that it is a crime against nature. Well, sir, what is this fraud, this iniquity, this crime against nature and against God? It is the simple declaration of the principle that the people of the territories of Kansas and Nebraska—the pioneer freemen there—our own brothers in flesh and blood—going there from every State of the Union, for the purpose of settling that distant frontier—there to build up new homes for themselves and their posterity—should have the right, without limitation or restriction from any quarter, save the constitution of the United States, to form and mould just such institutions for their own government as they pleased—a right which lies at the foundation of all our State governments, and upon which the whole republic, in its several parts, is built and established. This is the fraud, this is the iniquity, this is the great crime of crimes, the security to the people of the territories of the right of self-government under the constitution. The amount of the crime is, that freemen shall be permitted to make such constitutions, republican in form, for their own government, without dictation or control from any other power, as they please. Tell it wherever you go, that this was the monstrous outrage committed by an American Congress in 1850, the middle of the nineteenth century, on the territories of Utah and New Mexico, and repeated by the same body in 1854, on the

territories of Nebraska and "bleeding Kansas!" This is the whole of it—nothing more and nothing less. These troubles we now hear of—these efforts to get up civil war—these shouts at the announcement that civil war has already commenced—are but part and parcel of that spirit which animated a portion, and only a portion, of the opposition to the Kansas bill, during the pendency of that measure in this House. That same spirit at the North that had so bitterly opposed the establishment of this great principle of territorial policy in 1850 could not bear the idea of its being carried out in the future.

I recollect very well, sir, that while the Kansas bill was progressing here, a newspaper in the city of New York, edited by a man of great ability, untiring energy and industry, and who is now the head and front—the animating spirit of the present opposition and civil war champions, undertook to lecture this House as to our duty in regard to that bill. We were told then by him what an enormous wrong it would be; and when the measure was about to pass, an editorial in that paper reached here, from which I wish to present some extracts, to show that it is the same spirit now at work:

"We urge, therefore, unbending determination on the part of the northern members hostile to this intolerable outrage, and demand of them, in behalf of peace—in behalf of freedom—in behalf of justice and humanity—resistance to the last. Better that confusion should ensue—better that discord should reign in the national councils—*better that Congress should break up in wild disorder—nay, better that the Capitol itself should blaze by the torch of the incendiary*, or fall and bury all its inmates beneath its crumbling ruins, than that this perfidy and wrong should be finally accomplished."

This is the language of the New York *Tribune* in reference to the Kansas bill a few days before it passed. Yes, sir, even then that editor declared that it was better that this Capitol should be burnt by the torch of an incendiary—better that the government should go into dissolution, than that the people colonizing and settling Kansas and Nebraska should be just as free as the people of New York, or, as he states it, than that this act of perfidy and wrong should be finally accomplished. What wrong did the act contain? Wrong to whom? to whom was there any thing in it either wrong or unjust? Was it wrong to the people of the South, one large section of the Union, to permit them to enjoy an equal and fair participation of the public domain purchased by the common blood and common treasure of all? Was it wrong or unjust to permit the people of New York, Massachusetts, and other States of the North going into a new territory, to be as free there as they were in their native homes? Was it wrong or unjust to allow all from all the States, who might be disposed to quit the old States, and seek to better their fortunes by cutting down the forests of the West, turning up its virgin soil, and making the wilderness to blossom as the rose, to enjoy the same

rights which their fathers did in the early formation of all our present State constitutions and governments? Whom, I say, did the bill wrong? To whom did it deal any injustice? Was it the slave, the African, whom his southern master might take there? How could it be unjust even to him? Is not his condition as much bettered by new lands and virgin soils as that of his master? Is not expansion of that portion of southern population quite as necessary for their comfort and well-being as it is for the whites? Would you keep them hemmed in in their present limits, until subsistence shall fail, and starvation shall effect the objects of a misguided humanity?

Without stopping here to say a word upon the subject of southern society, and the relation which the negro there sustains to the white man, either as to the necessity of that relation, or its wisdom or propriety, does it work any wrong or injury to the slave to take him from old lands to new lands? Is not his condition bettered by the change? And have we not new lands enough for all? Your Topeka convention, which formed the pretended free-state constitution now before us, proposed to exclude the negro and mulatto forever from that country. Upon the score of humanity, then, even toward the "poor negro," about whom so much sympathy is attempted to be excited, I ask, which does him the greater wrong, the Kansas bill, or the project of your free-state constitution? Who, to him, is the good Samaritan in this case? The free-soil Levite, who would leave him to starve without land to work? or his humane southern master, who is willing to provide both land and shelter, food and raiment? Where, then, is the wrong of this bill? It consists in nothing but permitting the freemen of our own race to settle this question of the *status* of the African amongst themselves, as they in their wisdom and patriotism may think best for the happiness of both races, just as the freemen of our own race did in each of the old thirteen States of the Union.

But, sir, the House did not heed this lecture of the editor. The bill passed this body; it passed the Senate; it received the constitutional approval of the executive, and became the law of the land. The revolutionary spirit, however, which invoked the burning of the Capitol, did not stop with defeat in all three of the departments of legislation. Members of Congress, with others, beaten in the House of Representatives, beaten in the Senate, failing in their threats and denunciations of the executive, betook themselves forthwith to plotting schemes to defeat the will of the people as constitutionally expressed. Societies were formed, one of them by members of this House, immediately after the bill passed; money was raised; circulars were issued—all with the avowed purpose of sending people to Kansas to prevent the peaceful and quiet operation of the wise and beneficent principles of the territorial law—movements having a direct tendency to kindle this civil war of which we now hear.

The Capitol fortunately was not burnt—that suggestion did not take. Disorder did not reign here—that suggestion did not take. But bodies of men were organized—not allowing the legitimate laws of nature, of climate, and of soil to determine the character of the pioneer population from all the States alike who might choose to make settlement there. Men were sent out in large companies, with arms and munitions of war; Sharpe's rifles were sent; artillery was sent. What for? Did these colonists go to Kansas as our forefathers sought homes at Plymouth, St. Mary's, Jamestown, and Savannah? Or did they not rather go as the train-bands of Cortes and Pizzaro went forth thirsting for the conquest of the Montezumas and the Incas? Was not their sole object to effect by force and violence what they had failed to do by legislation? What other meaning can be put upon the following manifesto which was published in the "*Herald of Freedom*," their organ at Lawrence, the headquarters of these emigrants in the territory:

"Come one, come all, slaveocrates and nullifiers; we have rifles enough, and bullets enough, to send you all to your (and Judas's) 'own place.' 'If you're coming, why don't you come along?'"

Was not this a direct invitation to arms? And whatever troubles or disturbances exist in Kansas, let them not be charged to the Kansas bill, but to those who have sworn in their wrath that that bill never shall work out its natural and legitimate results, if they can prevent it. As well might the wars about points of doctrine and religious creeds which have disgraced Christendom, be charged upon the heavenly principles of the gospel. Christ himself said that it was impossible but that offences in this world of wickedness would come. When bad men are at work, they cannot be prevented. The principles of that bill are in no way responsible for any outrages or trampling upon rights by parties on the other side of the controversy, got up and provoked in that territory by designing men outside, for mischievous purposes. And the friends of that bill—those who stand pledged to its principles—condemn outrages on either or both sides alike.

But a word, sir, as to the nature and extent of these difficulties. Are they not greatly exaggerated and magnified? Let us look at the facts. Some men, it is true, have been killed—some on both sides. And what else could have been expected? What other result could have been looked for by those instigating the movements I have alluded to? The first man killed in the territory was Davis. He fell by the hands of those calling themselves free-state men. Then Dow, a free-state man was killed by Coleman; but the quarrel between them arose about a land claim. It was a private and personal matter. Coleman immediately gave himself up to the legal authorities, claiming to have acted in self-defence. Whether he did or not, I do not know, and will

not pretend to say; but a friend of Dow, of the name of Branson, having made threats of avenging his death, was arrested under a peace warrant, and, while in the hands of an officer, was rescued by a party of free-state men. Warrants were taken out for these, and they took shelter in Lawrence, where they put themselves in defiance of the civil authorities. The posse was called out to aid in the arrest, and this led first to the siege of Lawrence, and then to the capitulation of December last. In this war, no lives were lost. Two or three other homicides had been committed in the territory; but in all, from the organization of the territory, up to the attempted assassination of Sheriff Jones, I think not exceeding half a dozen! In what part of the United States, sir, in the same length of time, with the same population they have in Kansas have there been fewer murders or deaths by violence? How many were killed in the riots last year in Cincinnati? How many in Louisville, Kentucky?

I venture to say to-day, that with all this clamor about civil war in Kansas, more lives have not been lost there, since the organization of the territory, than have been in several of the large city elections of the United States within the last twelve months. It is not my wish to make light of these things, but to take a calm and dispassionate view of them. A strong and general tendency to disregard law and order is one of the most lamentable evils of the day. It is not confined to Kansas, but it is seen and felt everywhere. And our object, and that of all good men, should be to check it rather than excite it.

Then, sir, as to the election in Kansas and the laws passed by their legislature. One word upon this point. The first election was held there for a delegate to Congress in November, 1854. That there were illegal votes on both sides I have no doubt; but I believe it is admitted by every one that, notwithstanding the efforts of the emigrant aid companies to prevent it, General Whitfield had much the larger number of the legal votes of the territory, and was duly elected. In March afterward greater efforts were made to carry the legislature. The result was the commission or certificate of election by Governor Reeder himself to a large majority of both branches of that body. They were therefore legally constituted as a legislative body. There may have been illegal voting on both sides, as there is doubtless in all our elections. But upon the well-settled and fixed principles on which all our representative institutions rest, and without a maintenance of which there can be neither "law nor order," that is now a closed question. The laws, therefore, of that legislature must be observed and obeyed until repealed or modified by legislative power, or set aside by the courts as void. And upon the character of these laws I wish to make but a passing remark. The gentleman from Indiana, [Mr. COLFAX,] pointed out quite a number of them the other day, which he said were very bad ones. Well, sir, I am not going to discuss their respective merits.

Perhaps some of them are bad; it would be an extraordinary code if it were otherwise. I know the advocates of the present government in the territory—the law-and-order party there—do not themselves approve of all of them. I will read what they say on the subject:

“The law for the protection of slave property has also been much misunderstood. The right to pass such a law is expressly stated by Governor Reeder in his inaugural message, in which he says: ‘A territorial legislature may undoubtedly act upon the question to a limited and partial extent, and may temporarily prohibit, tolerate, or regulate slavery in the territory, and in an absolute or modified form, with all the force and effect of any other legislative act, binding until repealed by the same power that enacted it.’ There is nothing in the act itself, as has been charged, to prevent a free discussion of the subject of slavery. Its bearing on society, its morality or expediency, or whether it would be politic or impolitic to make this a slave State can be discussed here as freely as in any State in this Union, without infringing any of the provisions of the law. To deny the right of a person to hold slaves under the law in this territory is made penal; but, beyond this, there is no restriction to the discussion of the slavery question in any aspect in which it is capable of being considered. We do not wish to be understood as approving of all the laws passed by the legislature; on the contrary, we would state that there are some that we do not approve of, and which are condemned by public opinion here, and which will no doubt be repealed or modified at the meeting of the next legislature. But this is nothing more than what frequently occurs, both in the legislation of Congress and of the various State legislatures. The remedy for such evils is to be found in public opinion, to which, sooner or later, in a government like ours, all laws must conform.

Mr. COLFAX. What is the date of that?

Mr. STEPHENS. Last November. Now, sir, I have examined this whole code of laws, and as a whole, some few exceptions out, I say that no State in the Union has better ones. There are some in it I do not approve—there are some in all the codes I have ever seen that I do not approve. I will not go to the gentleman's State, or to any other gentleman's State, to find laws that I do not approve. We have plenty of them in my own State. And the gentleman ought to feel highly blessed if he has none in Indiana that he disapproves. We have a great many in Georgia I do not approve. There is one in particular which I fought in the legislature and opposed before the courts with all the power that I had. It was a law making it penal to bear concealed deadly weapons. I am individually opposed to bearing such weapons. I never bear weapons of any sort; but I believed that it was the constitutional right of every American citizen to bear arms if he chooses, and just such arms, and in just such way, as he chooses. I thought that it was the birthright of every Georgian to do it. I was defeated in our legislature. I was defeated before our courts. The question went up to the highest judicial tribunal in our State, the Supreme Court, which sustained the law. In that decision all had to acquiesce. Sir, the people

in all the States have to obey the laws as pronounced and expounded by the courts. The difference between a republic and a monarchy is, that the one is a government of laws, subject to be changed by the people; the other is a government dependent upon the caprice or whim, and arbitrary will of one man. And when the people of a republic array themselves against their laws, the first step is into anarchy, and then comes monarchy. The speech of the gentleman from Indiana is sufficiently answered by the address of his own party adopted at Pittsburg, though those who issued it seemed not to be conscious of the effect of the admission. That address, after specifying the same objectionable laws in the Kansas code which he has, says:

"That these despotic acts, even if they had been passed by a legislature duly elected by the people of the territory, would have been null and void, inasmuch as they are plainly in violation of the Federal constitution, is too clear for argument. Congress itself is expressly forbidden by the constitution of the United States to make any laws abridging the freedom of speech and of the press; and it is absurd to suppose that a territorial legislature, deriving all its power from Congress, should not be subject to the same restrictions."

The latter is a very clear proposition, to my mind. Neither Congress nor a territorial legislature can pass any law abridging the freedom of speech or of the press. This is, indeed, too clear for argument. I indorse that part of the Pittsburg platform. But not a single disturbance in the territory has grown out of either of these laws complained of as despotic. But if there had—if these laws be so clearly unconstitutional and so manifestly violative of the freedom of speech and of the press, why should not any party aggrieved refer the question to the judicial tribunals? If the case is so clear, why not go to the courts? There are Federal courts in the territory; and an appeal can be taken to the same high tribunal that all of us in such matters have to appeal to in the last resort, the Supreme Court of the United States.

Mr. CAMPBELL, of Ohio (interrupting). I rise to propound a question, if it is entirely agreeable to the gentleman from Georgia, and not otherwise.

Mr. STEPHENS. Perfectly agreeable; but I hope the gentleman will not take much of my time.

Mr. CAMPBELL. I was similarly responded to on a former occasion, and I shall take warning and occupy but a moment of the gentleman's time. Why did not you, and those who sought to disturb the time-honored compromise of our fathers of 1820, if they regarded the eighth section of the Missouri act as unconstitutional, resort to the courts to test its constitutionality?

Mr. STEPHENS. There is a case of that sort now before the Supreme Court.

Mr. CAMPBELL. Why, instead of bringing all this trouble on the country, did he not then resort to the courts?

Mr. STEPHENS. Why, Mr. Speaker, it was first my duty as a legislator, believing it to be wrong, to vote to repeal it, and I did so [laughter]; and if the Congress of the United States had not repealed it, and I had been personally affected by it in the territory, then I might have resorted to the courts.

Mr. CAMPBELL. Did not the gentleman vote to repeal it because of its unconstitutionality?

Mr. STEPHENS. Standing as it did, I did, for that and other reasons. As long as it stood as a regulation founded on the principle of a division of the territory, I was willing to abide by it; but when it was abandoned and repudiated as such, it was, in my judgment, an odious and unjust restriction. But I do not wish the gentleman to divert me from the line of argument I was pursuing.

Mr. CAMPBELL. If the gentleman voted to repeal it in 1854 because it was unconstitutional, why did he vote to fasten it upon Texas in 1846, unless, in the meanwhile, there was a change in the constitution?

Mr. STEPHENS. For the very reason that I have just stated. In 1845, on the annexation of Texas, I voted for it, upon the principle of a division of the territory. Congress has a right to pass all needful laws and regulations for the territory as *property*. So said Mr. Madison. This includes the power to divide, if necessary or needful for public peace and harmony. When I voted for it, it was upon that principle. And, sir, it was in 1850, after the gentleman's party had repeatedly—in 1846, 1847, 1848, 1849, and 1850—denied, repudiated, and scouted at what they now call the time-honored compromise of our fathers of 1820, that I voted for the re-establishment of the old principle in our territorial policy, of leaving the public domain open for the free and equal settlement and colonization of the people from all the States alike, without congressional limitations or restrictions upon any. This principle was re-established in 1850—after the one proposed in 1820 had been abandoned—and this principle I voted to carry out in 1854 in the territories of Kansas and Nebraska.

Mr. CAMPBELL. Will the gentleman explain to the House and to the country, how it is that a measure may be constitutional which excludes slavery on one side of a given line, in a territory belonging to the people of the States in common, and unconstitutional on the other?

Mr. STEPHENS. My explanation of the point the gentleman makes is this. Upon the principle of a division of the territory as public property between the two sections, it might be constitutional to set aside a portion to one, by fixed lines and boundaries, while the appropriation of the whole of it to that section would be manifestly wrong, unjust, and therefore unconstitutional. Just as in the case of the division of the surplus revenue—public property—among the States, the part assigned to each, on division fairly and justly made, was constitutionally held.

But, if some States had taken all, to the exclusion of the rest, that would have been manifestly unjust, and therefore unconstitutional. But I have given my views at large upon this subject once before this session.

Mr. CAMPBELL. Well then——

Mr. STEPHENS. I do not wish the gentleman to divert me from my argument by a continuation of questions upon other subjects.

Mr. CAMPBELL. I hope I may be fortunate enough to get the floor at the expiration of the gentleman's hour, and therefore will not press my inquiries now on this interesting point.

Mr. STEPHENS. Now, sir, just here I wish to say a word more about "that time-honored compact of our fathers," which it is said has been violated. Mr. Speaker, I say that the fathers who made this republic, from the beginning of it, from the date of the constitution and up to 1820, never in a single instance exercised the power of excluding the migration of slaves from any of the States of this Union to the common territory. The gentleman now claims to follow the fathers of the republic. Well, I suppose General Washington, Mr. Madison, and Mr. Jefferson, are as eminently entitled as any others to occupy that position. Mr. Jefferson, especially, is often quoted by those holding seats on this side of the house. Mr. Jefferson, it is said, was against slavery. I grant that. But how? Mr. Jefferson was in favor of every State retaining and exercising jurisdiction over the subject for itself. Mr. Jefferson was himself opposed to the passage of that restriction, in 1820, now called a time-honored compact. I do not care as to what his abstract opinions were. I believe he was for providing for the gradual abolition of slavery in Virginia. But his plan was for the people of Virginia to do it for themselves, without any interference from abroad or influence from this government—I mean after the present constitution was formed and adopted. I have Mr. Jefferson's sentiments here before me on this particular Missouri restriction when it was passed. It is immaterial what his opinions of slavery were. What did he think of that measure? The author of the Declaration of Independence is often appealed to as authority by the gentleman's party. Sir, if the departed Jefferson could return from the realms above—if the seals of the tomb at Monticello could be broken, and that spirit could be permitted to revisit the earth, believe you that he would speak a different sentiment to-day from that he uttered then?

Here is the letter which Mr. Jefferson wrote. It is too long to read the whole; but in this letter to Mr. Holmes, of Maine, dated the 29th of April, 1820, after strongly condemning the establishment of a geographical line, and the attempt to restrain the "diffusion of slavery over a greater surface," he says:

"An abstinence, too, from this act of power would remove the jealousy excited by the undertaking of Congress to regulate the condition of the different descriptions of men composing a State. This, certainly, is the

exclusive right of every State, which *nothing in the constitution* has taken from them and given to the general government. Could Congress, for example, say that the now freemen of Connecticut should be freemen, and that they shall not emigrate into any other State?"

This is plain and explicit on the very question.

Again, in a letter to Mr. Madison on the same subject, he says:

"I am indebted to you for your two letters of February 7 and 19. This Missouri question, by a geographical line of division, is the most portentous one I have ever contemplated * * * is ready to risk the Union for any chance of restoring his party to power, and wriggling himself to the head of it."

The allusion here is evidently to Rufus King, who was the first mover of the restriction. Such, sir, were the sentiments of him who was not only the author of the Declaration of Independence, but the author of the ordinance of 1787 under the old confederation. This is what he said of the restriction of 1820, under our present constitution.

Here is also Mr. Madison's emphatic opinion against the same measure. I cannot take up my time in reading it. I state the fact, and challenge contradiction. Jefferson was against the restriction of 1820; Madison was against it; and Jackson was against it. No man can deny these facts. It was reluctantly accepted by the South, however, as an alternative, and only as an alternative, for the sake of peace and harmony. And who are those now who call it a sacred compact? Those very men, the gentleman and his party, who denounced every man from the North as "*a doughface*," who, from 1846 to 1850 was in favor of abiding by it for the sake of union and harmony. Not a man can be named from the North who was willing to abide by that line of division during the period I have stated who was not denounced by the gentleman and his party as "*a doughface*." Who now are the "*doughfaces*?" And if the gentleman wishes to know what tree brought forth that bitter fruit of which he spoke the other day, I will tell him. It was not the Kansas tree, but that old political upas planted by Rufus King in 1820. It grew up, it flourished, and it sent its poisonous exhalations throughout this country till it came well nigh extinguishing the life of the republic in 1850.

MR. CAMPBELL. That tree was planted when—[Cries of "Order!" "Order!"]—when slavery was first brought to the shores of America. [Cries of "Order!" "Order!"]

MR. STEPHENS. Well, then, Mr. Speaker, it is much older than the Kansas bill. It was planted before the government was formed. The constitution itself was grafted upon its stock. The condition or slavery of the African race, as it exists amongst us, is a "*fixed fact*" in the constitution. From this a tree has indeed sprung—bearing, however, no troubles or bitter fruits. It is the tree of national liberty, which, by the culture of states-

men and patriots, has grown up and flourished, and is now sending its branches far and wide, laden with no fruit but national happiness, prosperity, glory, and renown.

Mr. CAMPBELL. Will the gentleman from Georgia read the preamble to the constitution?

Mr. STEPHENS. Yes; and I believe I can repeat it to him. It is "in order to form a more perfect union, establish justice, *insure domestic tranquillity*."

Mr. CAMPBELL. "And secure the blessings of liberty to ourselves and our posterity."

Mr. STEPHENS. Yes, sir, to themselves and *their posterity*—not to the negroes and Africans. And what sort of liberty? Constitutional liberty; that liberty which recognized the inferior condition of the African race amongst them; the liberty which we now enjoy; the liberty which all the States enjoyed at that time, save one (for all were then slaveholding except Massachusetts). That is the sort of liberty. None of your Socialism liberty. None of your Fourierism liberty. Constitutional liberty. "Law and order" abiding liberty. That in the liberty which they meant to perpetuate.

Now, Mr. Speaker, to return from this digression—I was on the subject of the Kansas laws—I had a good deal to say on that point I must now omit; for I have a good deal I wish also to say on the measure immediately before us, and the amendment which I have submitted, and my time is rapidly passing away. I shall proceed, then, to the bill and the amendment.

The bill under consideration proposes to admit Kansas as a State at once under the Topeka constitution. I am opposed to it; because that constitution was formed without any authority of law, either from the territorial authorities or from Congress. It was formed in open opposition to law; it was formed by men in open rebellion, with arms in their hands, against the only legally-constituted government in the territory. The leaders most conspicuous in getting it up are now under arrest for treason. Whether they are guilty or not, I will not even express an opinion. That is a question for the courts—the Federal courts—not the courts created by the territorial legislature, but the United States courts, with an appeal to the Supreme Court of the United States—to determine. I do not wish in any way to interfere with that judicial question. Let these gentlemen stand or fall according to their guilt or innocence, as it may be made to appear before the proper tribunals, at the proper time. Let us not, in the meantime, prejudge the case either for or against them. The man who claims to be governor under this Topeka constitution is now in custody awaiting his trial for the highest offence known to the laws and constitution of the United States.

I am opposed to this bill, because we have no evidence that a majority, or any thing like a majority, of the people of Kansas are in favor of this pretended Topeka constitution. It is an *ex parte*

proceeding from beginning to end. It was got up by a party. It was contrived by Governor Reeder; and though he and his associates now place the whole grounds of their justification upon the plea that the territorial legislature was composed of usurpers—that the election was carried by an invasion of non-residents; who passed laws that they cannot submit to, yet it must be recollected by all fair-minded men that this legislature, however elected, was organized under the auspices of Governor Reeder himself. He was the judge of the election returns of its members in the first instance, and he duly commissioned a large majority of both branches of it, and gave his own official certificate that they were duly elected. If what is now asserted by him and others be true, why did he not at the proper time arrest it? Why now lay a complaint at the door of the President for not preventing an invasion of Kansas, or setting aside the legislative election, while he, as governor, made no complaint to the President? He was the sentinel placed upon the watch-tower in Kansas. The only cry heard from him by the President or the country, during this now-pretended invasion, and for several long months afterward, was, "All's well!" He recognized this legislature after it was organized, and after he knew full well how it was elected. I must therefore receive with many grains of allowance what he now asserts, all tending toward nothing more strongly than the impeachment of his own official integrity. His position is not such as to warrant me, as a fair man, now to back him in his present revolutionary movement. I see no sufficient grievance even alleged to justify me in doing it.

Grant that some of the laws passed by the legislature, that Reeder certified to as having been duly elected, were bad laws—not a single case of oppression, growing out of any one of these laws, has arisen. I was on this point when interrupted by the gentleman from Ohio, [Mr. CAMPBELL.] How does it appear but that the courts would pronounce these laws unconstitutional, as some on this floor maintain that they are? Why resort to revolution until the courts fail? Nay, more: if a majority of the people of Kansas are opposed to these laws, as is so boldly asserted on this floor, why can they not have them repealed by the next legislature, soon to be elected, even if the courts should sustain them? The next legislature is to be chosen in October. Why not settle that question at the ballot-box? Is not that a fair and just way of settling such questions? Is it not the way we have to do in all our States? Are those who press this *ex parte* constitution upon us afraid of the ballot-box? Whatever else may be said of the acts of the Kansas legislature, they certainly secured the purity of the fountain of political power. Here is a part of their election law:

"SEC. 24. If any person, by menaces, threats, and force, or by any other unlawful means, either directly or indirectly, attempt to influence any qualified voter in giving his vote, or to deter him from giving the same, or

disturb or hinder him in the free exercise of his right of suffrage, at any election held under the laws of this territory, the person so offending shall, on conviction thereof, be adjudged guilty of misdemeanor, and be punished by fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding one year.

"SEC. 25. Every person who shall, at the same election, vote more than once, either at the same or a different place, shall, on conviction, be adjudged guilty of a misdemeanor, and be punished by fine not exceeding fifty dollars, or by imprisonment in the county jail not exceeding three months.

"SEC. 26. Every person not being a qualified voter according to the organic law and the laws of this territory, who shall vote at any election within this territory, knowing that he is not entitled to vote, shall be adjudged guilty of a misdemeanor, and punished by fine not exceeding fifty dollars.

"SEC. 27. Any person who designedly gives a printed or written ticket to any qualified voter of this territory, containing the written or printed names of persons for whom said voter does not design to vote, for the purpose of causing such voter to poll his vote contrary to his own wishes, shall, on conviction, be adjudged guilty of a misdemeanor, and punished by fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding three months, or by both such fine and imprisonment.

"SEC. 28. Any person who shall cause to be printed and circulated, or who shall circulate, any false and fraudulent tickets, which upon their face appear to be designed as a fraud upon voters, shall, upon conviction, be punished by fine not exceeding five hundred dollars, or by imprisonment in the county jail, not exceeding three months, or by both such fine and imprisonment.

"This act to take effect and be in force from and after its passage."—Chap. 52, p. 281.

Does any free man want a better security for his sovereign right of suffrage than is here given? Does this look like the work of "border ruffians," who were looking to carry elections by fraud or violence? But it is said that in the same law it is provided that no man shall be entitled to vote who has been guilty of a violation of the fugitive slave law passed by Congress! Well, sir, is this an onerous restriction? Ought men who set themselves up in open violation of the laws of our country to complain of being deprived of the right of having a voice in making laws? Are not certain offenses in all our States grounds of denying suffrage? But the great question is, cannot this provision of the election law be repealed by the next legislature if a majority of the honest people there are against it? The case then presented by the governor and his associates in the Topeka movement is not such as to justify, in my judgment, this revolution which they have set on foot, and now ask Congress to approve and sanction. Besides this, Mr. Speaker, the evidence is very strong to my mind, if not conclusive, that this Topeka constitution does not meet the approval of a majority of the people of Kansas. When it was submitted to popular vote, only about seventeen hundred in the whole territory approved it. Now, sir, I am for no such judg-

ment either way—I am for fair dealing in this matter on both sides.

I wish for nothing but a fair expression of the will of the *bona fide* residents of Kansas upon this subject. When I voted for the Kansas bill, I did so, not for the purpose of making it a slave State, unless a majority of the white freemen there desired it; and if they did desire it, I was for permitting them to exercise the same power over the subject that the freemen of the other States of the Union exercise over the same subjects within their respective limits. I never regarded the success of that measure as a triumph of the South over the North, further than it was a triumph of this great constitutional principle of equality over that sectionalism of a party at the North, which denied it. Whether Kansas or Nebraska would be slave States or free States, I did not know. I left that to time, climate, soil, and the people, to settle. And now, sir, though upon general principles I am opposed to the admission of any State into the Union without population sufficient to entitle them to a member on this floor, according to the ratio of representation, yet, in the present case, if gentlemen are so anxious to press the admission of Kansas, I am willing to forego the usual inquiry into the exact amount of population there. I will waive that point. I do not know the number of people there. Gentlemen on the other side vary in their estimates from sixty thousand to ninety thousand. I think it would be best first to ascertain the facts. Still I will, I say, waive that point; and if gentlemen are so anxious for the admission of the people of that territory, whatever may be their numbers, as a State, I meet them, and offer the substitute to this bill which I have submitted. Mine is an alternative proposition. If Kansas is to be admitted, let it be done in a fair, just, and proper way, and not at the instance of any irregular, illegal, and revolutionary convention of only a portion, and a very small portion at that, of the people of the territory. The plan I submit is the same offered by my colleague [Mr. TOOMBS] in the Senate. I suppose gentlemen have read it. I cannot now read it. Its main features are to provide for the admission of Kansas, under such constitution as her people may form, at as early a day as is practicable.

It provides, first, for the taking of a census. This is to be done by five commissioners, to be appointed by the President, and ratified by the Senate.

It provides, secondly, for an election to be held in the territory on the first Tuesday after the first Monday in November next, (the day of the Presidential election in the States,) for delegates to a convention to form a State constitution.

Representation in this convention is to be according to the number of voters in the several counties and districts, as shall appear from the census, which is, amongst other things, to exhibit the names of all the actual residents of the territory at the date of the passage of the bill.

These commissioners are to appoint the officers to conduct the election. Returns are to be made to them, and they are to judge and determine all questions relating to the election, and to give certificates of the same.

Three months' residence in the county is required to entitle any one to vote.

And to guard the purity and sanctity of the ballot-box, so that the untrammelled voice of the people may be heard, let it be as it may, these stringent provisions are inserted :

SEC. 10. *And be it further enacted*, That every white male citizen of the United States, (including Indians of like description qualified by existing laws to vote,) over twenty-one years old, who may be a *bona fide* inhabitant of said territory at the passage of this act, and who shall have resided three months next before said election in the county in which he offers to vote, and no other persons whatever, shall be entitled to vote at said election; and all persons qualified as voters may be elected delegates to said convention, and no others.

SEC. 11. *And be it further enacted*, That if any person, by menaces, threats, or force, or by any other unlawful means, shall directly or indirectly attempt to influence any qualified voter in giving his vote, or deter him from giving the same, or disturb or hinder him in the free exercise of his right of suffrage, at the election provided for by this act, the person so offending shall be adjudged guilty of a misdemeanor, and be punished by fine not exceeding five hundred dollars, or by imprisonment not exceeding one year, or by both, at the discretion of the court.

SEC. 12. *And be it further enacted*, That any person not being a qualified voter, according to the provisions of this act, who shall vote at the election herein provided for, knowing that he is not entitled to vote, and any person who shall, at the same election, vote more than once, whether at the same or at different places, shall be adjudged guilty of a misdemeanor, and punished by fine not exceeding two hundred and fifty dollars, or by imprisonment not exceeding six months, or both, at the discretion of the court.

SEC. 13. *And be it further enacted*, That any person whatsoever, who may be charged with the holding of the election herein authorized to be held, who shall wilfully and knowingly commit any fraud or irregularity whatever, with the intent to hinder or prevent, or defeat a fair expression of the popular will in said election, shall be guilty of a misdemeanor, and punished by fine not exceeding one thousand dollars, and imprisonment not exceeding two years, or both, at the discretion of the court.

But, sir, my time will not allow me to go more into details. The object of the bill, from the beginning to the end, is to provide for as fair an expression of the popular will of the territory as human ingenuity can devise. By the expression of that will, when thus made, I shall abide, let it be which way it may. For your bill as it stands, I can never vote. Against the substitute I offer, who can raise any objection that is in favor of disposing of this question upon principles of fairness, of justice, of law, of order, and of the constitution? I present the distinct issue between these two measures to the House and the country.

I am constrained, Mr. Speaker, to believe that all this clamor we hear about "free Kansas," and "down-trodden Kansas," and

"bleeding Kansas," arises much more from a desire and hope of exciting by it sectional hate and the alienation of one portion of the Union from the other, than from any wish to have even "free Kansas" admitted into the Union, or from any conviction that a majority of the people there are in favor of this Topeka constitution. The object, I am constrained to believe, is not so much to get another State added to the Union, as it is to use the question to produce a severance of those States now united. Why these violent denunciations against one whole section of the confederacy? Why is such unbridled vituperation indulged in toward southern men and southern institutions? Why these shouts of joy in New York on the announcement that "civil war" was raging in Kansas? What other construction can be put upon the movement of a late sectional convention held in Philadelphia to nominate party candidates for President and Vice-President? What is the meaning of all these appeals to the passions and prejudices of the people of the northern States, exciting them to rise up against their southern brethren? Is it not part and parcel of that same spirit which proclaimed that it were better that the Capitol should blaze by the torch of an incendiary, and wild disorder ensue, than that the free people of Kansas and Nebraska should regulate their own domestic institutions in their own way? That is all that the advocates of the Kansas bill asked; that is all it was designed to effect; and that is all I this day ask this House to join me in carrying out in good faith to the letter and spirit.

To show the House and the country some of the grounds for my belief, touching the ulterior objects of some of those who are joining in this "Kansas cry" at the North, I ask attention to an editorial of the New York *Courier and Enquirer* of the 26th inst. In this, that editor says:

"We are in the midst of a revolution, the origin of which is *sectional*, and its avowed object to gratify the grasping ambition of the slave power; and a civil war waged in behalf of freedom and in resistance of slavery extension is a fitting accompaniment of an attempt on the part of the South and their co-laborers of the North, to trample on the principles and guarantees of the constitution, by the extension of slavery into free territory through the direct legislation of the general government."

Here it is announced that we are in the "midst of a revolution, the origin of which is *sectional*." But most strange to say, the cause of it is charged upon the South; and stranger still, that cause is asserted to be an attempt on the part of the South to "trample on the principles and guarantees of the constitution, by the *extension of slavery into free territory through the direct legislation of the general government*." Was ever accusation more groundless and utterly unfounded, than this against the South? The South never asked Congress, by legislation, to extend slavery; nor has it ever been done by any such legislation. All that the South ever asked, or now asks, is to leave

the question to be settled by those who are to be affected by it.

General James Watson Webb, the editor of this paper, (the *Courier and Enquirer*,) was a delegate to the late Philadelphia convention, the object of which was to embody this sectional movement of the North against the South. In that convention he made a speech. From that speech, as reported in the *New York Times*, we are not left to inference as to what is the design and intention of the leading spirits controlling it. In speaking of the people the convention represented, he says :

"They ask us to give them a nomination which, when put fairly before the people, will unite public sentiment, and, through the ballot-box, will restrain and repel this pro-slavery extension, and this aggression of the slavocracy. What else are they doing? They tell you that they are willing to abide by the ballot-box, and willing to make that the last appeal. *If we fail there, what then? We will drive it back, sword in hand, and so help me God! believing that to be right, I am with them.* [Loud cheers, and cries of 'Good!']"

This was in no common town or city meeting. But it was in that great northern sectional convention lately assembled at Philadelphia, that these sentiments received such bursts of applause. There is, I say, no mistaking the object of the leaders of this movement. They evidently intend to use this Kansas question to make as much political capital out of it as they can to aid them in carrying the election, by which means they hope to get power to "crush out" the South, as they suppose; but, if they fail in the election, then they are, sword in hand, to join the revolutionists in Kansas.

In the first editorial I read from, in this mammoth sheet, (the *Courier and Enquirer*,) issued the 26th instant, and written, doubtless, by General Webb himself, who seems to be the *Magnus Apollo* of the black republican hosts, are these significant, as well as studied, words :

"The remedy is to go to the polls, and through the ballot-box repudiate the infamous platform put forth at Cincinnati, and over which the black flag of *slavery* waves with characteristic impudence; *and failing in this*, do as our fathers did before us—stand by our inalienable rights, and *drive back with arms* those who dare to trample upon our inheritance. There is no boasting and no threat in this. It is the calm language of honest, conscientious, and determined freemen, wafted to us by every breeze from the West; and they are already acting in strict conformity with their avowed determination."

Now, sir, I care as little for these belligerent manifestoes of this redoubtable general of the *Courier and Enquirer*, as I did two years ago for the "*blazing*" and "*incendiary*" bulletins of his contemporary of the *Tribune*. I refer to them only to show the purposes at work; and I put the question directly to this House: Are you going to allow this subject to be used for any such purposes? If you want Kansas admitted as a State, do I not offer you a fair, liberal, and just proposition for accomplishing that object? Do

you wish to go before the country with the question, to inflame the public mind at the North, to move their passions, to stir up their blood, and prepare their hearts for a war of extermination against their southern brethren?—"to drive them back, sword in hand, in case you fail in the election?" If so, then be it so. But be it known to you, that you will have to take the question with the issue this day joined. Between you and me—between these two propositions, I am willing that the people North, as well as the South, may judge. Nothing would afford me more pleasure than to argue the question with you before any intelligent constituency in the republic.

Patriotism, as I have heretofore found it, is the same everywhere. Nor has it in days past been confined to any locality in this broad land. It is, I believe, indigenous wherever the national flag floats. In the forests and ship-yards and market towns of Maine it is to be found; in the factories, workshops, and commercial houses of the old Bay State it is to be found. In State street and Faneuil Hall its voice has often been heard. So on the White Mountains of New Hampshire and the Green Mountains of Vermont; on the hills and valleys of Connecticut, Rhode Island, New York, Pennsylvania, and New Jersey. It is a plant that heretofore has grown with as much vigor on the most sterile soil of the East as it has upon the fairest plains of the South or the richest prairies of the West. I cannot believe that a change of political climate has rendered it an exotic in any part of this country yet. Upon nothing, however, should I rely in presenting this issue everywhere, but upon the reason, justice, intelligence, virtue, integrity, and patriotism of the people; upon these all our republican institutions must rest; when they fail all that we hold dear must go with them. And if the North shall decide to follow General Webb, let the responsibility rest upon him and them.

I cannot believe that the great body of honest business people of the North are prepared to join a set of reckless leaders in this crusade against the South, or will lend their *influence* and aid in kindling a civil war in Kansas which may extend until it involves the whole country. This I cannot believe, and will not believe, for the present at least. It is for them to determine whether they will or not. That question they will have to meet, not only on this issue, if the majority of this House so determine, but upon that other, and at this time more absorbing, issue of the Cincinnati platform. That platform bears no black flag as this "sword-in-hand" general asserts. Black flags belong to those who think more of black men than they do of the white man, and who exhibit more sympathy for the well-provided African race than they do for the suffering and oppressed poor of their own.

The flag of the Cincinnati platform on this subject bears no principles inscribed upon its broad folds but those of the constitution. The friends of the Union under the constitution must

and will approve them everywhere; while none but the enemies of one or the other of these, or both, can denounce them. Upon this great sectional question all national men, I care not of what party—all true-hearted patriots, who look from the bright history of the past with hopes to a brighter future before us, must and will give those principles, announced at Cincinnati, their sanction and approval. The issue on this subject presented at Cincinnati is *nationalism* against *sectionalism*—the issue presented at Philadelphia is *sectionalism* against *nationalism*.

Are we, Mr. Speaker, to remain a united people? Are we to go on in that high career of achievement in science, in art, and in civilization, which we have so conspicuously entered upon? Or are we to be arrested in our upward course long before reaching the half-way point toward ultimate culmination? Are our deeds of glory all numbered? Are the memories of the past to be forgotten, and the benefits and blessings of the present to be derided and rejected? Is the radiant orb of day brightening the morning of our existence to be darkened and obscured, and with it the light of the world extinguished forever? And all this because Congress, in its wisdom, has thought proper to permit the free white men of Kansas to determine for themselves whether the negro in that territory shall be the same nondescript outcast, neither citizen nor slave, amongst them, that he is in sixteen States of the Union, or whether he shall occupy the same condition there in relation to them which a Christian philanthropy has assigned him in the other fifteen States. I say Christian philanthropy, notwithstanding the remarks of the gentleman from Indiana, [Mr. DUNN,] and the gentleman from Ohio, [Mr. GIDDINGS,] the other day, denouncing slavery as a violation of the laws of nature and of God! To those remarks, though my time is short, I wish very briefly to reply before I close.

Even, however, if slavery be sinful, as they affirm, or their language implies, permit me here to ask, is not the sin the same whether the slave be held in Georgia, Carolina, or in Kansas? Is it any more sinful in one place than another? But are these gentlemen correct? Is African slavery, as it exists in the South, either a violation of the laws of nature, the laws of nations, or the laws of God? I maintain that it is not. It has been recognized by the laws of nations from time immemorial. The highest court in this country, the Supreme Court of the United States, has so decided the laws of nations to be. And where do we get the laws of nature but in nature's works about us? Those general rules and principles by which all things in nature, according to their kinds respectively, seem to be regulated, and to which they seem to conform, we call laws; and in the handiwork of creation nothing is more striking to the philosophic observer than that order is nature's first great law.

Gradation, too, is stamped upon every thing animate as well as inanimate—if, indeed, there be any thing inanimate. A scale,

from the lowest degree of inferiority to the highest degree of superiority, runs through all animal life. We see it in the insect tribes—we see it in the fishes of the sea, the fowls of the air, in the beasts of the earth, and we see it in the races of men. We see the same principle pervading the heavenly bodies above us. One star differs from another star in magnitude and lustre—some are larger, others are smaller—but the greater and superior uniformly influences and controls the lesser and inferior within its sphere. If there is any fixed principle or law of nature it is this. In the races of men we find like differences in capacity and development. The negro is inferior to the white man; nature has made him so; observation and history, from the remotest times, establish the fact; and all attempts to make the inferior equal to the superior is but an effort to reverse the decrees of the Creator, who has made all things as we find them, according to the counsels of his own will. The Ethiopian can no more change his nature or his skin than the leopard his spots. Do what you will, a negro is a negro, and he will remain a negro still. In the social and political system of the South the negro is assigned to that subordinate position for which he is fitted by the laws of nature. Our system of civilization is founded in strict conformity to these laws. Order and subordination, according to the natural fitness of things, is the principle upon which the whole fabric of our southern institutions rests.

Then as to the law of God—that law we read not only in his works about us, around us, and over us, but in that inspired Book wherein he has revealed his will to man. When we differ as to the voice of nature, or the language of God, as spoken in nature's works, we go to that great Book, the Book of books, which is the fountain of all truth. To that Book I now appeal. God, in the days of old, made a covenant with the human family—for the redemption of fallen man: that covenant is the corner-stone of the whole Christian system. Abram, afterwards called Abraham, was the man with whom that covenant was made. He was the great first head of an organized visible church here below. He believed God, and it was accounted to him for righteousness. He was in deed and in truth the father of the faithful. Abraham, sir, was a slaveholder. Nay, more, he was required to have the sign of that covenant administered to the slaves of his household.

Mr. CAMPBELL. Page, bring me a Bible.

Mr. STEPHENS. I have one here which the gentleman can consult if he wishes. Here is the passage, Genesis xvii. 13. God said to Abraham:

“13. He that is *born in thy house* and he that is *bought with thy money* must needs be circumcised; and my covenant shall be in your flesh for an everlasting covenant.”

Yes, sir, Abraham was not only a slaveholder, but a slave dealer it seems, for he bought men with his money, and yet it

was with him the covenant was made by which the world was to be redeemed from the dominion of sin. And it was into his bosom in heaven that the poor man who died at the rich man's gate was borne by angels, according to the parable of the Saviour. In the 20th chapter of Exodus, the great moral law is found—that law that defines sin—the ten commandments, written by the finger of God himself upon tables of stone. In two of these commandments, the 4th and 10th, verses 10th and 17th, slavery is expressly recognized, and in none of them is there any thing against it—this is the moral law. [In Leviticus we have the civil law on this subject, as given by God to Moses for the government of his chosen people in their municipal affairs. In chapter xxv., verses 44, 45, and 46, I read as follows: *And he gave for law*

“44. Both thy bondmen and thy bondmaids which thou shalt have, shall be of the heathen that are round about you; of them ye shall buy bondmen and bondmaids.

“45. Moreover, of the children of the strangers that do sojourn among you, of them ye shall buy, and of their families that are with you which they begat in your land: and they shall be your possession.

“46. And ye shall take them as an inheritance for your children after you, to inherit them for a possession; they shall be your bondmen forever; but over your brethren, the children of Israel, ye shall not rule one over another, with rigor.”

This was the law given to the Jews soon after they left Egypt, for their government when they should reach the land of promise. They could have had no slaves then. It authorized the introduction of slavery amongst them when they should become established in Canaan. And it is to be noted that their bondmen and bondmaids to be bought, and held for *a possession and an inheritance* for their children after them, were to be of the heathen round about them. Over their brethren they were not to rule with rigor. Our southern system is in strict conformity with this injunction. Men of our own blood and our own race, wherever born, or from whatever clime they come, are free and equal. We have no castes or classes amongst white men—no “upper tendom” or “lower tendom.” All are equals. Our slaves were taken from the heathen tribes—the barbarians of Africa. In our households they are brought within the pale of the covenant, under Christian teaching and influence; and more of them are partakers of the benefits of the gospel than ever were rendered so by missionary enterprise. [The wisdom of man is foolishness—the ways of Providence are mysterious. Nor does the negro feel any sense of degradation in his condition—he is not *degraded*. He occupies and fills the same *grade* or rank in society and the State that he does in the scale of being; it is his natural place; and all things fit when nature's great first law of order is conformed to.]

[Again: Job was certainly one of the best men of whom we read in the Bible. He was a large slaveholder. So, too, were Isaac

and Jacob, and all the patriarchs. But, it is said, this was under the Jewish dispensation. Granted. Has any change been made since? Is any thing to be found in the New Testament against it? Nothing—not a word. Slavery existed when the gospel was preached by Christ and his Apostles, and where they preached: it was all around them. And though the Scribes and Pharisees were denounced by our Saviour for their hypocrisy and robbing “widows’ houses,” yet not a word did He utter against slaveholding. On one occasion He was sought for by a centurion, who asked him to heal his slave, who was sick. Jesus said he would go; but the centurion objected, saying: “Lord, I am not worthy that thou shouldst come under my roof; but speak the word only, and my servant shall be healed. For I am a man under authority, having soldiers under me; and I say to this man, go, and he goeth; and to another come, and he cometh; and to my *slave*, do this, and he doeth it.” Matthew viii. 9. The word rendered here “servant,” in our translation, means *slave*. It means just such a servant as all our slaves at the South are. I have the original Greek.

(Here the hammer fell. Mr. STEPHENS asked that he might be permitted to go on, as long as the gentleman from Ohio [Mr. CAMPBELL] had taken up his time. He had but a little more to say. Mr. GIDDINGS, of Ohio, objected; and what follows is the substance of what he intended to say, if he had not been cut off by the hour rule.)

The word in the original is *doulos*, and the meaning of this word, as given in Robinson’s Greek and English Lexicon, is this—I read from the book: “In the family the *doulos* was one bound to serve, a *slave*, and was the property of his master—‘a living possession,’ as Aristotle calls him.” And again: “The *doulos*, therefore, was never a *hired servant*, the latter being called *mis-thios*,” etc. This is the meaning of the word, as given by Robinson, a learned doctor of divinity, as well as of laws. The centurion on that occasion said to Christ himself, “I say to my *slave* do this, and he doeth it, and do Thou but speak the word, and he shall be healed.” What was the Saviour’s reply? Did he tell him to go loose the bonds that fettered his fellow man? Did he tell him he was sinning against God for holding a *slave*? No such thing. But we are told by the inspired penman, that:

“When Jesus heard it he marvelled, and said to them that followed: Verily I say unto you, I have not found so great faith, no, not in Israel. And I say unto you that many shall come from the east and west and shall sit down with Abraham, and Isaac, and Jacob, in the kingdom of heaven. But the children of the kingdom shall be cast out into utter darkness; there shall be weeping and gnashing of teeth. And Jesus said unto the centurion, Go thy way, and as thou hast believed so be it done unto thee. And his servant [or *slave*] was healed in the selfsame hour.”

Was Christ a “*doughface*?” Did He quail before the slave power? And if he did not rebuke the lordly centurion for speak-

ing as he did of his authority over his slave, but healed the sick man, and said that he had not found so great faith in all Israel as he had in his master, who shall now presume, in His name, to rebuke others for exercising similar authority, or say that their faith may not be as strong as that of the centurion.

In no place in the New Testament, sir, is slavery held up as sinful. Several of the Apostles alluded to it, but none of them—not one of them, mentions or condemns it as a relation sinful in itself, or violative of the laws of God, or even Christian duty. They enjoin the relative duties of both master and slave. Paul sent a runaway slave, Onesimus, back to Philemon, his master. He frequently alludes to slavery in his letters to the churches, but in no case speaks of it as sinful. To what he says in one of these epistles I ask special attention. It is 1st Timothy, chapter 6th, and beginning with the 1st verse :

“1. Let as many servants [*douloi*, slaves in the original, which I have before me] as are under the yoke [that is, those who are the most abject of slaves] count their own masters worthy of all honor, that the name of God and his doctrine be not blasphemed.

“2. And they that have believing masters, [according to modern doctrine, there can be no such thing as a slaveholding believer; so did not think Paul,] let them not despise [or neglect and not care for] them, because they are brethren; but rather do them service, because they are faithful and beloved, partakers of the benefit. These things teach and exhort.

“3. *If any man teach otherwise* and consent not to wholesome words, *even the words of our Lord Jesus Christ*, and to the doctrine which is according to godliness :

“4. He is proud, [or *self-conceited*,] *knowing nothing but doting about questions and strifes of words*, whereof cometh envy, strife, railings, evil surmisings.

“5. Perverse disputings of *men of corrupt minds*, and destitute of the truth, supposing that gain is godliness : *from such withdraw thyself.*”

This language of St. Paul, the great Apostle of the Gentiles, is just as appropriate this day, in this House, as it was when he penned it eighteen hundred years ago. No man could frame a more direct reply to the doctrines of the gentleman from Ohio, [Mr. GIDDINGS,] and the gentleman from Indiana, [Mr. DUNN,] than is here contained in the sacred book. What does all this strife, and envy, and railings, and “civil war” in Kansas come from, but the TEACHINGS of those in our day who teach otherwise than Paul taught, and “do not consent to wholesome words, even the words of our Lord Jesus Christ?”

Let no man, then, say that African slavery as it exists in the South, incorporated in, and sanctioned by the constitution of the United States, is in violation of either the laws of nations, the laws of nature, or the laws of God!

And if it “must needs be” that such an offence shall come from this source, as shall sever the ties that now unite these States together in fraternal bonds, and involve the land in civil war, then “wo be unto them from whom the offence cometh!”

SPEECH ON THE PRESIDENTIAL ELECTION OF 1856, THE COMPROMISE OF 1850, AND THE KANSAS- NEBRASKA ACT OF 1854.

DELIVERED IN THE HOUSE OF REPRESENTATIVES,

JANUARY 6, 1857.

The President's Annual Message being under consideration, on a motion to refer and print.

MR. SPEAKER: I have no desire to prolong this debate. If the House had not manifested so decided an indisposition to take a vote the other day, I should have remained silent. A discussion on the President's message, and the subjects embraced in it, on a motion to print and refer, such as this, commenced and continued as it has been, is unusual in this House. These topics are generally considered in Committee of the Whole after the message has been referred. But this discussion, to me, thus far, has not been uninteresting, and to the country, I trust, it will not be unprofitable.

We have just passed an important crisis in our history—one of the most important, if not *the* most important, perhaps, in it. We are even now in the midst of events which will hereafter be marked as an epoch in the politics of the country. The issues in the late presidential election brought into array two great parties, (I shall speak only of two, because the contest was mainly between them,) organized upon principles well defined, well ascertained, and directly antagonistical, hostile, and conflicting. Old parties were dismembered and broken up; and men who looked upon these principles thus put in issue as paramount to all others, took their position accordingly, without reference to past associations, formed upon issues no longer vital or living. The principles entering into the canvass were clearly and openly proclaimed, and the issues on them squarely met on both sides. These issues involved the harmony, if not the stability of the republic. I do not augment its importance when I say that the result was a fearful one. It was so considered and felt from one extremity of the Union to the other. The conflict is now over. The issue, so far as the election was concerned, is now decided. The result is known. The immediate danger is past. The public mind, so lately wrought up to the highest degree of excitement, is quieting; and we may do well, now that the campaign storm is over, and its perils surmounted, to recount some of the incidents, and as voyagers of another kind, take new reckonings for our future course. With these feelings I enter this debate.

And may I not pause here in the beginning to congratulate the House—congratulate the country, and to congratulate even you, Mr. Speaker, against your will, upon our safe deliverance? Am I not right in assuming that the news of the result of the late

election, which we are considering, as it winged its flight through the land, made the great majority of the people throughout this vast republic breathe freer, easier, and deeper, everywhere? To men of every class it brought joy and gladness. To the ploughman, as he was treading his furrow—to the mechanic, as he applied himself to his daily toil—to the merchant at his counter—to the banker at his desk—to the mariner, as he breasted the surges of the sea, as well as to the statesman pondering over questions of deep interest to all. To men of every grade and occupation, including some even of those, I believe, who stood in opposition to those with whom I acted, all breathed freer and easier when the result was known. The whole country was relieved from an uncertain apprehension. Men felt relief. Trade felt it. Commerce felt it. Business in its every department—in its quickened energy and activity—in its various channels, felt it. And, sir, I can say for myself, I never addressed the House before upon any subject with greater personal gratification than I do at this time, in review of the questions which characterized the late contest, and the principles which I consider as having been sustained by the popular verdict rendered.

Sir, what are those questions and principles? Let us look at them, and examine them according to their intrinsic merits. Some gentlemen seem not to understand them; some seem to overlook them; some seem not to appreciate them, or to underrate them; while others still seem disposed to divert the mind from the great leading issues to minor points, and attempt to create the impression that the election turned upon the latter, and not the former, and that nothing of real and vital importance has been determined. The issues were dodged, say they, in some sections, and differently expounded in different sections. This is the case with the gentleman from Kentucky, [Mr. H. MARSHALL,] who so earnestly addressed the House a few days ago, and who I regret is not now in his seat. Hence his repeated sallies upon "squatter sovereignty," and the different opinions entertained by some persons at the North, as well as the South, touching the power of the territorial legislature of Kansas to exclude slavery.

Now, sir, I do not intend to follow those who either ignore, overlook, underrate, or endeavor to divert attention from the main and essential facts of the case. In what I have to say to-day I shall come directly to the subject. I maintain that two great principles have been sustained and vindicated in the late election, both embracing a policy vital to the harmony of the two great sections of the country, and essential to the preservation and continuance of the union of these States.

These principles are: first, that there shall be no congressional prohibition of slavery in the common territory. This principle was openly, boldly, and universally advocated on the one side, and as fearlessly and fiercely denounced on the other. Besides this there was another principle, just as boldly and unequivocally

maintained on one side, and as fiercely assailed, though not so openly denounced in convention, on the other; and that is, secondly, that new States arising and springing up in the common territories may and shall be admitted as States into this Union either with or without African slavery, as the people therein may determine for themselves when they come to form their State constitution. These, sir, were the great and essential principles of the late contest. They were proclaimed at Cincinnati, on the one side, in the following words:

"Resolved. That claiming fellowship with, and desiring the co-operation of all who regard the preservation of the Union under the constitution as the paramount issue, and repudiating all sectional parties and platforms concerning domestic slavery, which seek to embroil the States and incite to treason and armed resistance to law in the territories, and whose avowed purposes, if consummated, must end in civil war and disunion, the American democracy recognize and adopt the principles contained in the organic laws establishing the territories of Kansas and Nebraska, as embodying the only sound and safe solution of the 'slavery question,' upon which the great national idea of the people of this whole country can repose in its determined conservatism of the Union—*non-intervention by Congress with slavery in State and territory, or in the District of Columbia.*

"2. That this was the basis of the compromises of 1850, confirmed by both the democratic and whig parties in national conventions, ratified by the people in the election of 1852, and rightly applied to the organization of territories in 1854.

"3. That by the uniform application of this democratic principle to the organization of territories, and to the admission of new States, with or without domestic slavery, as they may elect, the equal rights of all the States will be preserved intact, the original compacts of the constitution maintained inviolate, and the perpetuity and expansion of this Union insured to its utmost capacity of embracing in peace and harmony every future American State that may be constituted or annexed with a republican form of government."

"Resolved, That we recognize the right of the people of all the territories, including Kansas and Nebraska, acting through the legally and fairly expressed will of a majority of actual residents, and whenever the number of their inhabitants justifies it, to form a constitution with or without domestic slavery, and be admitted into the Union upon terms of perfect equality with other States."

These principles involving the constitutional rights of nearly one half the States of this Union, and the equality of the States themselves, and without which the Union of the States cannot and ought not to be maintained, so clearly and distinctly set forth, and inscribed upon the banners of one party, were just as distinctly controverted and assailed by their opponents in the canvass; for though the platform put forth by the other great party to which I allude, in its organization at Philadelphia, says nothing about the admission of a slave State, yet their policy leads to the same result as if the denial had been openly proclaimed. Their principles were announced in the following words:

"That the constitution confers upon Congress sovereign power over the

territories of the United States for their government, and that, in the exercise of this power, it is both the right and the duty of Congress to prohibit in the territories those twin relics of barbarism—polygamy and slavery.”

Thus, sir, was the issue distinctly made and joined. The friends of the Union under the constitution on the one side rallied against the enemies of both, as I conceive, arrayed on the other. There was no dodging or evasion anywhere, on the part of those at least who maintained the constitutional right. The contest was fierce. The issue, so long as the result was doubtful, was well calculated to awaken fearful apprehensions. The battle was gallantly fought—the victory nobly won. Sectionalism has been signally rebuked and constitutionalism gloriously triumphant. Nor am I disposed to consider the victory thus achieved as a barren triumph only. It must and will tend to settle, if it has not permanently settled, questions of the gravest import and highest importance. It has effectually re-affirmed upon a rehearing the principles established in 1850. That is a great point gained. The principle then adopted in our territorial policy was that there should be no congressional restriction against slavery in the territories.

The Wilmot proviso was put down and abandoned; and the people settling and colonizing the public domain from all the States alike, without hindrance, limitation, or control by Congress, were left to form and mold their institutions without any restrictions except those imposed by the constitution of the United States, with the right guaranteed of being admitted into the Union either with or without slavery, as they might determine for themselves. This policy, adopted in 1850, being the basis of what is known as the compromise measures of that year, has, I say, been re-affirmed. It was thought by many, on the adoption of this policy in 1850, that agitation upon the subject of slavery would cease, so far as the territories were concerned, at least. But subsequent events have shown that the snake was “scotched” only, not “killed;” and it may be now that it is only scotched again, and not yet killed. How this will be time must determine; but, judging from the past, we have reason to hope. The principles entering into the contest between Mr. Jefferson and the elder Adams were not more clearly marked out, and squarely met on both sides, than they have been in this; nor were they, in my judgment, more essential to the preservation of the liberties of this country, upon constitutional principles, than the questions just decided; and hereafter, sir, in the distant future, if that bright future awaits us which I can but hope does, 1856 will be looked back to and dated from, just as 1801 has been in our past history.

I stood by the policy adopted in 1850, and now I trust firmly established, not because I thought it gave the people of the South the full measure of their just rights, but for reasons and consid-

erations which I need not now enumerate—for the same reasons I stood by it in 1854, when it was carried out in the Kansas-Nebraska bill; and for the same reasons, with a renewed steadfastness of purpose, I stood by it in its greatest peril in 1856.

Much, sir, has been said about the Kansas bill in this debate. Much was said about it in the late canvass. It was the leading topic everywhere, and its principles were made the turning point everywhere; indeed, the issue—the great issue in the contest, was made with the direct view of having its principles and policy approved and endorsed or rejected and repudiated by the people. It is because this measure, so directly in issue, has been so triumphantly sustained, that I so much rejoice in the result. No man can say that this issue was dodged. It was presented by its friends in the organization of this House at the beginning of the last session. It was the basis of the organization at Cincinnati, and formed one of the most prominent features in the programme of principles there announced. And while it was not named in so many words in the Philadelphia programme, yet all know that the party there assembled was organized mainly in opposition to that measure and the principles upon which it was based. In the newspapers, and on the hustings, nothing was railed against so bitterly and unceasingly as the “iniquity,” “the cheat,” and “the infamy,” of the Kansas bill. This measure, therefore, may be considered as one of the things most emphatically endorsed by the people in the late election.

I am the more rejoiced at this, because I know something of the difficulties attending its passage—the violence, the passion, and fanaticism evoked against it. I well remember the opinions then given—that the North never would submit to it; and that the seats then filled by those who voted for it from that section, would never again be filled by men of like sentiments. By indignant constituencies, such members were to be driven forever from the public councils. Forty-four members from the North in this House voted for the bill, only one of whom, I believe, acted with its enemies in the late struggle for its maintenance. To the present House, owing chiefly to causes I need not mention, only eighteen were returned from that section in favor of it. This was matter of great boast at the time. But, sir, to the next House, we have forty-nine members already chosen from the North at the late elections, upon the distinct issue of their advocacy of this bill. This is five more than the number originally for it; the cause grows stronger instead of weaker. This is one of the results of the late election, particularly gratifying to me in itself. It shows what men of nerve, with fidelity to the constitution, relying upon the virtue, intelligence, loyalty, and patriotism of the people, can effect. Language would fail me in an attempt to characterize as they deserve those sterling and noble spirits who bore the constitutional flag in the North against the popular preju-

dice and fanaticism of the people of their own section, in this contest.

Sir, it is an easy thing for a man to drift along with the popular current. Any man can do that. Honors thus obtained are as worthless as they are cheap; but it requires nerve—it requires all the elements that make a man, to stand up and oppose men in their errors, and advocate truth before a people unwilling to hear and receive it—to speak to those who “having ears, hear not, and having eyes see not.” History furnishes some examples of this sort; but the history of the world, in my judgment, has never furnished nobler and grander specimens of this virtue than the late canvass in the North. When a man discharges his duty upon any occasion, he deserves respect and admiration; but when a man discharges his duty against the prevailing prejudices of those around him, and even against his own natural feelings and inclinations, that man commands something higher than respect and admiration. The elder Brutus, who sat in judgment and pronounced sentence against his own son, silencing the adverse promptings of a father’s heart, made himself the “noblest Roman of them all;” and those statesmen at the North to whom I allude, who had the nerve, in the crisis just passed, to stand up and vindicate the right, under the circumstances in which they were placed, give to the world an instance of the moral sublime in human action never surpassed before. Our history furnishes no parallel with it. They bore the brunt of the fight. To them the preservation of the republic is due; and if our republic proves not to be ungrateful, they will receive patriots’ rewards—more to be desired than monuments of brass or marble—honored names while living, and honored memories when dead.

But eulogy is not my object at this time. I have to speak of principles on this occasion—not men; and I intend to speak particularly of the principles of the Kansas bill. This I do, because many affect not to understand them, and some say that different constructions are put upon them by different people. This, sir, is the case with almost every act of legislation. The constitution itself is not free from the charge of admitting different constructions; but whatever difference in construction may exist in reference to the Kansas bill, this difference arises not so much from the words of the bill as from the constitution. The gentleman from Kentucky to whom I allude, [Mr. H. MARSHALL,] said he would have voted for it with one construction, and against it with another. That the bill and its principles, with whatever construction, has been sustained by the elections, he and all must admit. The question of repeal has been put to rest.

Now, then, as to the nature, character, objects, effects, and principles of the bill. What does it do, and what was it intended to accomplish? On this point I affirm and maintain that it did but carry out in good faith the principles and policy of the territorial acts of 1850, upon the subject of slavery—the New Mexico and

Utah bills for which that gentleman voted, and for the maintenance of which both he and I were pledged, and for the maintenance of which both the old whig and democratic parties were most solemnly pledged. The gentleman admits that he stood pledged to carry out the principles of the New Mexico and Utah bills upon the subject of slavery. This is what I maintain the Kansas bill did, and that it is subject legitimately to the same construction upon the subject of slavery as those bills are, and none other. I have the bills all before me. Let us then compare them in all the essential particulars, so far as the vexed question of slavery is concerned.

But before doing so, let me premise by restating, what all must admit, that the basis of the policy adopted in 1850 was the abandonment of the "Wilmot proviso"—another name for congressional restriction, and the establishment of the principle of "*non-intervention*" by Congress, either for or against slavery in the territories. The object was to stay the aggressive hand of this government, and to quiet sectional agitation, by removing this cause of excitement from the halls of Congress, and leaving the question, as to their domestic institutions, to be settled by the people to be affected by them at the proper time, and in the proper manner, under the constitution of the United States; and that it should be no objection to the admission of any new State into this Union, because of its constitution recognizing or tolerating slavery. The principle of a division of the territory proposed in 1820, having been repudiated by the North, a return to original principles was found to be the only safe solution of the question. With this view and object the New Mexico bill contains these clauses :

"SEC. 2. *And be it further enacted*, That all that portion of the territory of the United States bounded as follows," etc., etc., etc., "be, and the same is hereby erected into a temporary government, by the name of the territory of New Mexico: *Provided*," etc., etc.: "*And provided further*, That when admitted as a State, the said territory, or any portion of the same, shall be received into the Union, with or without slavery, as their constitution may prescribe at the time of admission."

"SEC. 7. *And be it further enacted*, That the legislative power of the territory shall extend to all rightful subjects of legislation consistent with the constitution of the United States and the provisions of this act."

"SEC. 17. *And be it further enacted*, That the constitution and laws of the United States which are not locally inapplicable shall have the same force and effect within the said territory of New Mexico as elsewhere within the United States."

These are all essential clauses in the New Mexico bill upon the subject. Those in the Utah bill I need not read; for if not identical in words, they are in substance. I will now read the provisions of the Kansas bill on the same subject:

"SEC. 19. *And be it further enacted*, That all that part of the territory of the United States included within the following limits," etc., etc., "be, and the same is hereby created into a temporary government, by the

name of the territory of Kansas ; and when admitted as a State, or States, the said territory, or any portion of the same, shall be received into the Union, with or without slavery, as their constitution may prescribe at the time of their admission."

"SEC. 24. *And be it further enacted*, That the legislative power of the territory shall extend to all rightful subjects of legislation consistent with the constitution of the United States, and the provisions of this act."

"SEC. 32. *And be it further enacted*," * * * "that the constitution and all laws of the United States which are not locally inapplicable, shall have the same force and effect within the said territory of Kansas as elsewhere within the United States, except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March 6, 1820, which being inconsistent with the principle of non-intervention by Congress with slavery in the States and territories, as recognized by the legislation of 1850, commonly called the compromise measures, is hereby declared inoperative and void ; it being the true intent and meaning of this act, not to legislate slavery into any territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the constitution of the United States : *Provided*. That nothing herein contained shall be construed to revive or put in force any law or regulation which may have existed prior to the act of 6th of March, 1820, either protecting, establishing, prohibiting, or abolishing slavery."

From this *expose* it will be seen how clearly the policy, marked out in the New Mexico and Utah bills in 1850, was followed in the Kansas and Nebraska bill in 1854. The clauses in that portion of the bill relating to Nebraska are identical in substance with those I have read concerning Kansas. The second section of the New Mexico bill is identical in substance with the nineteenth section of the Kansas bill. The seventh section of the New Mexico bill, which confers power—and *all the power* possessed by the territorial legislature under that bill—is identical in substance with the twenty-fourth section of the Kansas bill, conferring like powers upon the territorial legislature there. In both the power is granted to legislate upon all *rightful subjects of legislation consistent with the constitution of the United States*, and the provisions of the organic act. All the powers the legislature of New Mexico holds, it possesses by virtue of the grant in the seventh section ; and all the powers the legislature of Kansas holds, are by virtue of a similar grant in the twenty-fourth section of the Kansas bill. If the territorial legislature, in the one case, can *rightfully exclude slavery*, then it can in the other ; and if it cannot in New Mexico, then it cannot in Kansas ; for the thirty-second section of the Kansas bill, about which so much has been said, on account of its *repeal of the Missouri restriction*, and its "squatter sovereignty" construction, confers no additional grant of power. This is so clear that argument to elucidate it is unnecessary. Then, why was it inserted ? some have asked. This, it is said, is what has given rise to all the agitation. This, it is said, is what kindled anew the sectional strife, settled and quieted in 1850. This is what has been called the mischievous work of

designing demagogues to promote their selfish purposes and objects. This is what a gentleman from Ohio [Mr. SHERMAN] said the other day was the "indignity" offered to the North, which conservative men of that section, who stood upon the settlement of 1850, could not brook; and which gave rise to that sectional, anti-slavery, and abolition organization, which has lately been so signally rebuked. Not so, Mr. Speaker. It may be that it was the occasion, but it was not the cause, of this agitation. That sprung from the still living anti-slavery opposition to the territorial policy adopted in 1850; for before these words in relation to the Missouri restriction were in the bill the agitation was commenced.

These words, it will be remembered, were not in the original bill as it was reported to the Senate; they were put in afterward by way of amendment; and before the amendment was offered, and while the bill stood almost identically in words, certainly so in substance, with the New Mexico and Utah bills, so far as slavery is concerned, abolition denunciations against its provisions were commenced. The bloodhounds of fanaticism were already unleashed, and were heard in full cry on the track of those whose only and sole object was in good faith to carry out the territorial policy of 1850. This I say in vindication of the truth of history, as well as in defence of those whose motives, conduct, and patriotism have been so bitterly assailed by the abolition leaders at the North, who were no less hostile to the New Mexico and Utah bills of 1850, than they were to the Kansas bill of 1854, and who denounced, abused, vilified, and aspersed the characters of those who advocated and defended the measures of 1850, as rancorously as they did those who voted for and sustained this particular clause of the Kansas bill in 1854.

Why then, sir, were these words put in the thirty-second section of the bill? I will tell you. They were *necessary and essential* to carry out the policy of 1850. That had to be done in good faith, in spite of clamor, coming from whatever quarter it might. In the seventeenth section of the New Mexico bill, the constitution *and laws* of the United States, *not locally inapplicable*, were extended to that territory. By the thirty-second section of the Kansas bill, the constitution *and laws* of the United States, *not locally inapplicable*, were, in the same way, extended to that territory. But in doing this it became absolutely necessary to *except* the *eighth section* of the act of 1820. That section was a *prohibition of slavery by Congress* in the territory. It was the "Wilmot proviso" in effect. It was *locally applicable* to Kansas and Nebraska, for they were part of the Louisiana purchase to which that prohibition of slavery north of 36° 30' applied. Hence, if all the laws of the United States, not locally inapplicable, had been extended to these territories, it would have been a re-enactment or reaffirmance of

congressional restriction, an abandonment of which was the basis of the territorial legislation of 1850. There was no such anterior law of the United States applicable to New Mexico and Utah, requiring an exception in those bills. The exception, therefore, in the Kansas bill, became absolutely necessary to maintain the same policy. The words used were the proper ones for the occasion. They are, "except the eighth section of the act," etc., "which being *inconsistent with the principle of non-intervention by Congress,*" etc., "as recognized by the legislation of 1850, commonly called the compromise measures, is hereby declared *inoperative and void.*" The words that follow this exception are but explanatory of the effect of the exception itself, which was to leave the question of slavery in the territories to the people, to manage, control, and settle for themselves, subject to no restrictions but that of the constitution of the United States. It removed the subject of slavery from the action of this government, and left it where the bills of 1850 left it. This was the object, and this is the effect of the words. They give no additional power to the territorial legislature. This bill, therefore, does nothing but carry out the policy of 1850. And how any man who is in favor of the acts of 1850 can complain of, or be opposed to, the act of 1854, I cannot conceive. The democratic party, as I have said, pledged themselves in 1852 to the maintenance of those acts. I have the resolutions of their convention before me. The whig party, at Baltimore, did the same thing. They planted themselves upon the territorial policy of 1850, as "*a final settlement, in principle and in substance, of the subjects*" to which the acts related; holding this policy to be "*essential to the nationality of the whig party, and the integrity of the Union,*" and they pledged themselves "to discountenance all attempts to continue or renew such agitation"—that is, slavery agitation on the territorial policy adopted in those bills—"whenever, wherever, or however made."

Now, sir, was a redemption of this pledge, to abide by the settlement, "*in principle and substance,*" a renewal of the agitation? Was its redemption its own violation? Was the pledge intended to be redeemed, or was it but a mockery? And here permit me to say, I do not treat this subject as a partizan. My object is not to build up one party, or to put down another, merely for party's sake. There are objects with me, I trust, higher, and worthier, and more permanent, than the building up of any organization in the country barely to hold office, or to "share the spoils," as they are termed. Parties I have little regard for, except so far as they, in my judgment, subserve, secure, and promote the best interests of the country. But what avail was the settlement of 1850, as a *final* one, and the principles then established, if they were not to be carried out in future legislation? Sir, consistency, to say nothing of duty and patriotism, required it to be done. This is what was done; and this

is what the late popular verdict requires shall be done in all future territorial bills. And if the gentleman from Kentucky, in fancy or otherwise, sees "squatter sovereignty," as he calls it, or the "power" of the territorial legislature to exclude slavery (as he defines that term to mean) in the Kansas bill, then he must see the same power and the same "squatter sovereignty" in the New Mexico and Utah bills, for which he voted, and which he still approves. If it is in the one, it is in the others. But he admits that, by his own construction, the Kansas bill does not contain it. It is only to be found, according to his opinion, in the *construction* of others. Well, whatever construction can be put upon the Kansas bill in this particular, may be put upon the New Mexico and Utah bills; and the same men who do put this construction upon it put the same upon the others also. The gentleman, I imagine, cannot point to a single man in Congress, or out of Congress, who applies it to the one and not to the others. The doctrines they now hold in reference to the Kansas bill they held in 1850, and still hold in reference to the others. Their construction did not drive or prevent the gentleman from Kentucky [Mr. H. MARSHALL] then from voting for and sustaining those measures; nor will it drive or prevent me now from sustaining and defending this one. In addition to this I may say, that most of those who hold the doctrine that the territorial legislatures can exclude slavery, do not derive the power to do so from the territorial bills at all; but they maintain it as an inherent, independent, and sovereign right of the people, not derived in any way from Congress. This is the essence of the doctrine of "squatter sovereignty," about which we have heard so much lately, and about which gentlemen seem to have such indistinct ideas.

The true import of this word can be best understood by recurring to its origin. It sprang from the idea advocated by some, that the people of a territory were endowed with sovereign powers, inherently and independently of any action of Congress. This, it was said, would be recognizing sovereignty in the intruders and *squatters* upon the public domain. Hence, the doctrine was dubbed "*squatter* sovereignty." No such doctrine is to be found either in the Kansas, Utah, or New Mexico bills. All the powers they can exercise they derive directly from this government, in their organic acts. All their machinery of government proceeds from us. They hold it by grant, and not by sovereign right. They hold from us, and through us, and not independently of us. Their temporary governments were created or erected by us. Their legislative powers are exercised by permission—"ex gratia," not "*ex debito justitiæ*." All the rights and powers of government possessed by Congress over the territories are *granted* to the people there—*conferred upon them* in the bills organizing their territorial government, and all the governmental power over them was thus granted; but the

power to restrain, restrict, or prohibit slavery, or to prevent the immigration and diffusion of any class of American population, is not, in my judgment, amongst those thus granted, for Congress does not possess this power to grant it.

This, sir, is a government of limited powers. All the powers it can can rightfully exercise or confer, are such as are expressly delegated in the constitution, and such as may be *necessary* to carry out those which are expressly named. The power to govern the territories, or to provide governments for them, is itself not one of those expressly granted. It is but an incident merely to some of the expressly granted powers, and cannot go beyond the *necessities* attending the execution of the express powers in carrying out the specified objects for which they were granted. The exclusion or restraining of slavery in the territories, or the permission of the immigration of one class to the exclusion of another, whether white or black, bond or free, was not amongst any of those objects, and is not a necessary incident in carrying any of them out. Nor is the exclusion of slavery included amongst the "rightful subjects" of legislation granted to the territories, while the right to legislate on the subject may be; for the right to exclude is not embraced in the power to legislate upon the subject. To protect property is the duty of government, and the power to do this does not include the power or right to destroy it; and to protect it may be a rightful subject of legislation, consistent with the constitution of the United States, but not to destroy it. The people in the territories have this right or power to regulate and protect, but not the other; for Congress, under the limitations of the constitution, did not have that to give them. There is no such thing as sovereignty—absolute political sovereignty I mean—in the people of the territories, either by inherent right or by grant from Congress. There is no such sovereignty over the territories even in Congress, or all the departments of the general government combined. This resides in the people of the separate States, as part of that residuum of powers not delegated by them in the constitution, and which in that instrument are expressly reserved "to the States respectively or the people;" and passes out of them only in the mode provided for in the constitution, which is on the admission of new States. The public domain belongs to the people of all the States, as common property; and so long as it is under territorial government, should be subject only to such "needful rules and regulations," in its disposition, as may be necessary for its free and equal use and enjoyment by all alike, and for its colonization and settlement by all alike, without any unjust discrimination against any, either by Congress or any territorial government they may institute, until the number of inhabitants may justify their admission into the Union as a State; and then, by the express terms of the constitution, they may be admitted, with as absolute sovereignty within their jurisdiction, as the other

members of the Confederacy. Then, and in this way, the otherwise undelegated sovereignty of the whole people of the States respectively passes from them into the new State, upon her recognition and admission as a coequal in the Union.

But I am asked : "Is not the government of the United States sovereign?" and "whether it is not the representative of the sovereignty of the people of the United States over the territories?" In reply, I state, that the government of the United States, in my judgment, is clothed with certain sovereign powers ; but these powers are limited to specified objects. In the legitimate and proper exercise of these powers, to the extent of their grant, it may be considered as sovereign or supreme as any other government, just as sovereign as the Autocrat of Russia, in whom is concentrated all power ; but these powers with which it is clothed, extend only to such subjects as are covered by the grant delegating them. Over all others, it has no power or authority to act at all. So far from being sovereign as to these, it is perfectly impotent. It cannot rightfully exercise any authority whatever upon any matter not committed to its charge by grant from the people of the States respectively ; and it can wield the sovereign powers of the people thus delegated to it only over such subjects, and to accomplish such objects, as the people have authorized it to exercise authority upon. To this extent it is the representative, or rather the active and living embodiment of the sovereignty of the people. It is, in other words, the organ, or constitutes the channels through which their sovereignty acts on the subjects specified in the grant of its powers. But the appropriation of the public domain to one class of citizens, to the exclusion of another, is not to be found in the scope of these powers, or the objects for which they were conferred.

And as to its being the representative of the sovereignty of the people, in connection with the subject under consideration, I have but a word further in reply. Let me illustrate. The corporate authorities of any town or city are the representatives, to a certain extent, of those who belong to the municipality. They are the representatives to the extent of the powers conferred on them by their charter. Now, suppose adjacent lands should become in any way the property of the corporation—the common property of all—in which every one in the town or city had an equal interest ; and suppose that the charter (whence the authorities derive all their powers) conferred upon them no power to dispose of this common property, except to "make needful rules and regulations" concerning it, for the equal benefit of all : would any man maintain that the authorities in this case could appropriate the whole of it to one class of the citizens to the exclusion of another ? or that they could empower any portion of the tenants in common getting upon it to exclude others ? I use this illustration barely to show the character in which the general government may be con-

sidered a representative of the sovereignty of the people of the United States over the common territories. And for this purpose the analogy is good. The general government holds the common property in the territories as a *trustee*. The people of all the States are the "*cestui que trust*," and no act of the trustee, or those acting under the authority of the trustee, can rightfully exclude any, so long as the paramount authority, or absolute political sovereignty over the territory, is in abeyance.

But why pursue an argument to prove that the construction by some upon the Kansas bill, to which the gentleman from Kentucky [Mr. H. MARSHALL] alluded, is wrong, and not legitimate? He admits it himself. But he said that, with the "squatter sovereignty" construction, or that which authorizes the territorial legislature to exclude slavery, the Kansas bill is no better to the South, *practically*, than the old Missouri restriction which it took off; and with this construction he would not, for all practical purposes, so far as the rights of the South are concerned, give "the toss of a copper" between it and the positive congressional exclusion aimed at by those calling themselves republicans. In this, sir, I am far from agreeing with him; for even with this construction—erroneous as I have shown it to be—the South has an equal chance, but before they had none; and under anti-slavery rule, such as that party would subject us to, we would have none.

But the practical point, looking to the probable prospect of any of these territories becoming slave States, dwindles into perfect insignificance in view of the *principle* involved. That principle is one of constitutional right and equality. Its surrender carries with it submission to unjust and unconstitutional legislation, the sole object of which would be to array this government, which claims our allegiance, in direct hostility, not only to our interests, but the very frame work of our political organizations. Who looked to the practical importance of the "Wilmot proviso" to the South in 1850, when it was attempted to be fixed upon New Mexico and Utah, with half so much interest as they did to the principle upon which it was founded? It was the principle that was so unyieldingly resisted then. It was this *principle*, or the threatened action of Congress based upon it, which the whole South, with a voice almost unanimous, including the gentleman himself, then said "*They would not and ought not to submit to!*" Principles, sir, are not only outposts, but the bulwarks of all constitutional liberty; and, if these be yielded, or taken by superior force, the citadel will soon follow. A people who would maintain their rights must look to principles much more than to practical results. The independence of the United States was declared and established in the vindication of an abstract principle. Mr. Webster never uttered a great truth in simpler language—for which he was so much distinguished—than when he said, "The American Revolution was fought on a preamble" It was not the amount of the tax on tea,

but the assertion (in the preamble of the bill taking off the tax) of the right in the British Parliament to tax the colonies, without representation, that our fathers resisted; and it was the principle of unjust and unconstitutional Congressional action against the institutions of all the southern States of this Union, that we, in 1850, resisted by our votes, and would have resisted by our arms if the wrong had been perpetrated. Those from the South who supported the New Mexico and Utah bills, did so because this principle of Congressional restriction was abandoned in them. It was not from any confidence, in a practical point of view, that these territories ever would be slave States. The great constitutional and essential right to be so if they chose was secured to them. That was the main point. This, at least, was the case with myself; for, when I looked out upon our vast territories of the west and northwest, I did not then, nor do I now, consider that there was or is much prospect of many of them, particularly the latter, becoming slave States. Besides the laws of climate, soil, and productions, there is another law not unobserved by me, which seemed to be quite as efficient in its prospective operations in giving a different character to their institutions, and that is the law of population. There were, at the last census, nearly twenty millions of whites in the United States, and only a fraction over three millions of blacks, or slaves. The stock from which the population of the latter class must spring, is too small to keep pace in diffusion, expansion, and settlement, with the former. The ratio is not much greater than one to seven, to say nothing of foreign immigration, and the known facts in relation to the tardiness with which slave population is pushed into new countries and frontier settlements. Hence the greater importance to the South of a rigid adherence to principles on this subject vital to them. If the slightest encroachments of power are permitted or submitted to in the territories, they may reach the States ultimately. And although I looked, and still look, upon the probabilities of Kansas being a slave State, as greater than I did New Mexico and Utah, yet I voted for the bill of 1854, with the view of maintaining the *principle* much more than I did to such practical results. As a southern man, considering the relation which the African bears to the white race in the southern States, as the very best condition for the greatest good of both; and as a national man, looking to the best interests of the country, the peace and harmony of the whole by a preservation of the balance of power, as far as can be, (for after all, the surest check to encroachments is the inability to make them,) I should prefer to see Kansas come into the Union as a slave State; but it was not with the view or purpose of effecting that result that I voted for the Kansas bill, any more than it was with the view or purpose of accomplishing similar results as to New Mexico and Utah that I supported the measures of 1850. It was to secure the right to come in as a

slave State, if the people there so wished, and to maintain a principle, which I then thought, and still think, essential to the peace of the country and the ultimate security of the rights of the South.

But it has been said, if this was the principle aimed at in the repeal of the Missouri restriction. why was it not extended to Minnesota and other territories over which that restriction extended? Why was it taken off Kansas and Nebraska and not Minnesota? All I have to say in reply to this is, that the bill of 1854 did take it off wherever the bill of 1820 put it on. The thirty-second section of the Kansas bill, which I have read, for the reasons therein stated, declares the eighth section of the act of 1820 to be inoperative and void; and wherever that eighth section extended, this "inoperative and void" is written upon it. Wherever it received acknowledgment before, it received its death-blow, if you please, by this thirty-second section; and if it extended over Minnesota, it was repealed there as fully and completely as it was over Kansas.

Mr. CAMPBELL, of Ohio. I perhaps misunderstood the gentleman, and I desire to make an inquiry for information. Do I understand the gentleman from Georgia to take the ground that the Kansas-Nebraska act removes the restriction against slavery over Minnesota, and the other territories belonging to the general government?

Mr. STEPHENS. I said that that restriction was declared null and void wherever it extended. That is the effect of the language of the act.

Mr. CAMPBELL, of Ohio. Then I would ask him whether he understands that that repealing clause extends beyond the territorial limits of Kansas and Nebraska?

Mr. STEPHENS. I understand it to be a declaration, that the restriction of 1820, being inconsistent with the principle established in 1850, is null and void. It is not confined to one place more than to another. I understand it rather to be declaratory than otherwise. I understand it as being put in there to prevent a contrary construction.

Mr. CAMPBELL, of Ohio. I want to know the gentleman's own opinion as to its legal effect on other territories.

Mr. STEPHENS. My opinion is that it had no legal effect at all. [Laughter.] I am inclined to think that, on a strict construction of the constitution, the restriction was null and void from the beginning.

Mr. CAMPBELL, of Ohio. I ask the gentleman whether he has not recently changed his opinion?

Mr. STEPHENS. Never on this subject.

Mr. CAMPBELL, of Ohio. I understood the gentleman, in a debate not very long since, to have avowed a different opinion.

Mr. STEPHENS. If the gentleman will turn to the report of that debate, he will see what I then said to him on this point.

Mr. CAMPBELL, of Ohio. I recollect it very well. The first question which I put, the gentleman declined to answer; but as I understood in that debate to which he has referred—I may be mistaken, but the record can be easily produced—while he declined to give an opinion on the question of power, he took the ground that the exercise of it would be such an act of usurpation as would justify his section of the country in a dissolution of the Union.

Mr. STEPHENS. The gentleman might have understood me to say that, on the principle of a just division, under that clause of the constitution which empowers Congress to make “needful rules and regulations,” Congress might, for the sake of peace and harmony, make a fair division of the common lands as property; but when the principle of division was set aside, then the attempt to make it was null and void; and that any act of Congress appropriating the whole of the common property in the territories to one class, to the exclusion of another, would be an abuse of a power tantamount to a usurpation, which would justify resistance.

Mr. CAMPBELL, of Ohio. I should be very happy to have the gentleman explain that principle of division.

Mr. STEPHENS. I am discussing another principle now. For my views on that point I refer him to the former debate. I am not surprised that the gentleman should wish to divert attention, or should take very little interest in this debate, on the line I was pursuing, for I think it was he who, at the beginning of the last session of the last Congress, spoke with such exulting feelings of what the Kansas-Nebraska bill had done with its advocates at the North, and made such great boasts of the ultimate triumph of the enemies of the principles of that bill. Now he comes into the House at this session, after the issue has been made and decided against him, and commences the debate himself; but when he sees he can make nothing out of it when confined to the merits of the question raised by himself, he is for going off on something else. Why, sir, he said two years ago (while admitting that he was no prophet, nor the son of a prophet, yet seeming to be moved by the inspiration of prophesy) that there never would be another Kansas majority on this floor. He and his friends appealed to the people. Well, the people have decided against them. And now he comes to this House and re-opens the question, and I am not surprised, as the debate progresses, he should desire to get on other points. I think the position of the gentleman, in re-opening a debate on the Kansas question this session, upon the whole, is very much like that of a man I once heard of—a lawyer in court. After the decision of the judge, he commenced speaking again; the judge told him he did not allow any arguing of a question in his court after a case was decided. The lawyer said, “Sir, I was not arguing the case; I was only cursing the decision,” [laughter.]

I think the object of the gentleman, [Mr. CAMPBELL,] now, in reopening this debate, was not a wish to re-argue the question so much as to indulge in a little cursing of the decision which has been against him.

Mr. CAMPBELL; of Ohio. I suppose that in that case, as in this, there had been false testimony. One set of witnesses came and swore on one side of the line that the Kansas-Nebraska bill meant nothing; and another swore on another side that it meant something; and but for them I should have returned here with the same exultant feelings with which I came at the opening of this Congress.

Mr. STEPHENS. I believe, Mr. Speaker, that the gentleman himself was one of the witnesses, [laughter,] and it seems that people of his own section decided against the testimony. [Laughter.]

Now, Mr. Speaker, as I said before, my opinion is, that there never was an issue so fairly made and so fairly presented to the American people by both parties, North and South, as was the issue on this Kansas bill at the late election—an election which excited the feelings and aroused the popular interests to an unusual degree, not only in this country, but in countries on other continents. I think it probable that there were some on both sides of the question and on both sides of Mason and Dixon's line, who attempted to misrepresent the principles of this Kansas-Nebraska bill. It is possible that there were some of those defending it on one side of the line who said that the policy was to make Kansas a free State, and some of those assailing it on the other side who said that it was worse for the South than the "Wilmot proviso itself." This is possible, but those who made such attempts were well understood. They deceived nobody. Such men figure in all political contests, but they mislead very few: the truth makes its way over them.

But I suspect that most of what has been called dodging the issues in the late canvass, has been only a denying that the issues were such as they were represented to be by some of the opposite party. It is very possible that the gentleman from Ohio, [Mr. CAMPBELL,] or some of those who acted with him at the North, said in their speeches about the Kansas bill, that its object was to make Kansas a slave State; and that one of the issues before the American people was, whether Kansas should be a free State, or a slave State. The friends of freedom, or every man who was not himself in favor of slavery, it may be, was called on to vote for the "Free-Soil," "Free Kansas," and Fremont ticket. If this be so, I think it very possible, and even highly probable, that the friends and defenders of the Kansas bill at the North, said this was not the issue—that the object of the bill was not to make Kansas either a free State, or a slave State, but to leave that matter to the people of Kansas to settle for themselves, at the proper time, under the constitution of the United States; and that she might be admitted as a slave State, or a free State, as

her people may determine for themselves at the proper time. Some may have said the proper time was in their territorial legislature; others, when they come to form a State constitution, but all were agreed that it was to be done by the people of Kansas, at the *proper time*; and if there was any difficulty as to the proper time, that was a judicial question arising under the constitution, which could only be settled by the courts. All were agreed that it was to be settled by those whom it concerned, and not by Congress, or the people of the United States outside of Kansas, who had no business to meddle with it.

This class of men, I think it probable, said that the true issue on this point was to let the people of Kansas take care of their own interests and business, and to let other people attend to theirs; that whether slavery was right or wrong, Congress had no rightful authority to interfere against it, either in the States or territories. This, I think it very probable, was said by many. This is what has been called *dodging* the issue. But I should have said the same thing if I had been there. The object of the bill was not to make Kansas either a slave State or free State; but just what I have stated. Its passage was not a triumph of the South over the North, further than a removal of an unjust discrimination against her people, and a restoration of her constitutional equality, may be considered a triumph. To this extent it was a triumph; but no sectional triumph. It was a triumph of the constitution. It was a triumph that enhanced the value of the Union in the estimation of the people of the South. The restriction of 1820 had been for many years in the body-politic as "a thorn in the flesh," producing irritation at every touch. On the principles upon which it was adopted, (reluctantly accepted as an alternative at the time by them,) the South would have been, and was, willing to acquiesce in and adhere to it in 1850. But it was then repudiated, again and again, by the North, as was shown by me in this House on a former occasion. The idea of its having been a sacred compact, or being in any way binding, was scouted at and ridiculed by those who have raised such a clamor on that score since. This thorn was removed in 1850. The whole country seemed to be relieved by it. It would have been completely relieved by it, but for the late attempt to thrust back this thorn. This attempt has been signally rebuked. And may we not now look to the future with hopes—well grounded hopes—of permanent repose? Repose is what we want. With the principle now established, that each State and separate political community in our complicated system is to attend to its own affairs, without meddling with those of their neighbors, and that the general government is to give its care and attention only to such matters as are committed to its charge, relating to the general welfare, peace, and harmony of the whole, what is there to darken or obscure the prospect of a great and prosperous career before us? Men on all sides speak of the Union and its preserva-

tion as objects of their desire ; and some speak of its dissolution as impossible—an event that will not be allowed under any circumstances. To such let me say, that this Union can only be preserved by conforming to the laws of its existence. When these laws are violated, like all other organisms, either political or physical, vegetable or animal, dissolution will be inevitable. The laws of this political organism—the union of these States—are well defined in the constitution. From this springs our life as a people. If these be violated, political death must ensue. The Union can never be preserved by force, or by one section attempting to rule the other.

The principle on this sectional controversy, established in 1850, carried out in 1854, and affirmed by the people in 1856, I consider, Mr. Speaker, as worth the Union itself, much as I am devoted to it, so long as it is devoted to the objects for which it was formed. And in devotion to it, so long as these objects are aimed at, I yield to no one. To maintain its integrity—to promote its advancement, development, growth, power, and renown, in accomplishing those objects, is my most earnest wish and desire. To aid in doing this is my highest ambition. These are the impulses of that patriotism with which I am imbued ; and with me—

“ All thoughts, all passions, all delights,
 Whatever stirs this mortal frame,
 All are but ministers of love
 To feed this sacred flame.

But the constitutional rights and equality of the States must be preserved.

SPEECH ON THE ADMISSION OF MINNESOTA AND ALIEN SUFFRAGE.

DELIVERED IN THE HOUSE OF REPRESENTATIVES,

MAY 11, 1858.

The House having under consideration the bill for the sadmission of the State of Minnesota into the Union, Mr. STEPHENS said :

MR. SPEAKER: My time will not allow me to answer all the objections that have been made to the admission of Minnesota. I do not think it necessary, however, to consume time, or to exhaust my feeble strength in answering all the objections that have been raised. Many of them are of small import, while some of them are grave, important, and go to the very foundation principles of our government. This latter class of objections are not new ; they are not novel ; they involve principles coeval with our institutions. In reply to them, I must be brief in the forty minutes allotted to me. They involve two inquiries. The first ques-

tion in reference to them is, whether they be well taken in *fact*; and the second is, whether, if well founded, they amount, in themselves, to a good and valid ground for the rejection of a State.

The gentleman from Virginia [Mr. GARNETT] objects, because of the State boundaries violating the stipulation between Virginia and the United States in the cession of the northwest territory. In point of fact, I do not consider that objection well taken; but if it were good, it ought to have been taken when the enabling act was passed last Congress, fixing the boundaries of Minnesota. That portion of the old northwestern territory, now included in the State of Minnesota, was included then, and the objection should have been taken then, if at all. There is, however, but a small portion of the old cession of Virginia included in this State. Twenty-odd thousand square miles of that cession, it is true, have been added to the ninety-odd thousand square miles constituting the main body of Minnesota. This was for convenience. Only a small portion, therefore, of the original Virginia cession has been taken off and added to the large extent of country that makes the State of Minnesota, for the public convenience. There has been no injury resulting anywhere, and no breach of faith, in my judgment.

It was stated, also, that the number of delegates who formed the State constitution was larger than that ordered in the enabling act. That objection has been well answered by the gentleman's colleague [Mr. JENKINS]. The act of Congress provided that as many delegates should be chosen as there were representatives in the territorial legislature. Well, sir, the people of Minnesota construed that to embrace their senators or councilmen as well as representatives in the lower House. The bill admitted of a doubt. I do not conceive that that objection has much force in it.

But I must pass on to notice the other objections of a graver character. It was stated by the gentleman from Ohio, [Mr. SHERMAN], who opened this debate, and has been repeated by several other gentlemen, that the constitution of Minnesota is violative of the constitution of the United States—in this, that it permits aliens to vote, or other than citizens of the United States to vote, in State elections.

Mr. Speaker, before arguing the point whether this clause of the constitution of Minnesota does or does not violate the constitution of the United States, let me ask, right here, this question: suppose it be true that that feature of their constitution does violate the constitution of the United States, or is inconsistent with it, is that a good ground for her rejection? I put it strongly and broadly in the forefront of the argument—suppose that be conceded, is it a legitimate ground of objection to the admission of a State that a provision of its constitution is inconsistent with the constitution of the United States? I say, sir, not. I say it as a State-rights man, advocating the principles of the State-rights school. We can only look into the constitution of

a new State applying for admission, to see that it is republican in form, and that it legally and fairly expresses the will of the people. If there be conflicts, the constitution of the United States points out how those conflicts are to be settled. After coming into the Union, such clause, if it be in, will, of course, have to yield to the supreme law of the land. Sir, the case of Minnesota, if this be true of her constitution, will not be a singular one.

The constitution of Illinois declares that no man shall be eligible to a Federal office who has been elected to and has accepted a judgeship in that State within two years after the expiration of the term for which he accepted it. A senator from that State, now holding a seat in the other wing of the Capitol, [Mr. TRUMBULL,] was elected to that body during the term of a judgeship of a State court, which he had been elected to, and had accepted. In the Senate of the United States, the question was raised as to his eligibility, and as to whether the constitution of Illinois could, under the constitution of the United States, impose such a qualification; in other words, whether the qualifications for senators, set forth in the constitution of the United States, were not absolute and binding, and did not supersede the provision of the constitution of Illinois. The Senate so determined, and that senator now holds his seat, in the face, in the teeth, and against that constitutional provision of his own State.

Whether that decision of the United States Senate was right or wrong, I will not now stop to inquire, or to express an opinion.

I cannot take up my time in citing other analogous cases. Many instances might be adduced from decisions of the courts. It is enough for me to affirm that the constitution of the United States declares that "this constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, any thing in the constitution or laws of any State to the contrary notwithstanding." I say, therefore, in answer to all that has been said in reference to the constitution of Minnesota being in violation of the constitution of the United States, that, even conceding the point for argument's sake (which I do not concede in fact), this would not be a just and valid ground on which to reject her admission. It is a question which can be properly decided when it arises, if ever, by the proper judicial tribunal before which it may arise. We, on the question of admission, can only look into a constitution to see that it is republican in form.

Mr. TRIPPE. I desire to ask my colleague whether he concurs in the Green amendment to the Kansas bill, which asserts the right of Congress to inquire into the constitution of any State applying for admission into the Union, in order to see whether it is consistent with the constitution of the United States?

Mr. STEPHENS. My time is short, and I want to argue other questions; but I will say to my colleague, that there was nothing in the original Green amendment which did not meet my cordial and hearty approval. There was nothing in it which inquired into a constitution. It was altogether negative in its character.

Mr. TRIPPE. If my colleague will allow me, I think that right was directly asserted in the Green amendment.

The SPEAKER. The Chair desires to suggest that the constitution of Kansas is not before the House.

Mr. TRIPPE. The same principle involved in the amendment to the Kansas bill, to which I have referred, is contained in this bill.

Mr. STEPHENS. I cannot discuss that question now. There were words added to the original Green amendment that I considered liable to objection; but, being negative, were not insuperable with me. Now, Mr. Speaker, I lay down this proposition, that there is nothing, in my judgment, in the constitution of Minnesota, inconsistent with the constitution of the United States.

The gentleman from Ohio, [Mr. SHERMAN,] who led off in this debate, argued that there was no clause in the constitution of Minnesota by which the present elected members of the legislature could be prevented from holding for life. Well, sir, suppose the gentleman was correct—but I do not concede the fact: the constitution would not therefore be anti-republican. I would not vote for such a constitution if I were there. But, sir, what constitutes a republican form of government? It is, as I understand it, a division of the three great branches of government—the executive, the judicial, and the law-making powers. That division is certainly in this constitution. Several of the States have made the judiciary elective, or holding office for life. Does that make their constitution anti-republican? The constitution of the United States does this. If the judiciary can hold office for life, why not the executive? and why may not representatives as well, if the people see fit to make such a constitution? It would not cease to be republican in consequence. It might and would be, in my judgment, a very bad constitution; but I say that of that we cannot rightfully judge.

I now come to the main question in this debate—the alien suffrage clause, as it is called, in this constitution. I have said that it was no new question. It is a grave and important one, but it is coeval with the government. Mr. Speaker, if there was any subject which was seriously watched and guarded, in the formation of the constitution of the United States, above all others, it was that the federal government should not touch the right of suffrage in the States. The question of who should vote in the several States was left for each State to settle for itself. And so far as I am concerned, I say for myself that there is nothing in the doctrine of State rights that I would defend and stand by

longer, and fight for harder, than that which denies the right of the federal government, by its encroachments, to interfere with the right of suffrage in my State. The ballot-box—that is what each State must guard and protect for itself; that is what the people of the several States never delegated to this government, and of course it was expressly, under the constitution, reserved to the people of the States. Upon the subject of alien suffrage, about which we have heard so much lately, I wish in this connection to give a brief history. I state to this House that the principle was recognized by the ordinance of 1787, which was before the government was formed.

It was recognized by the act of 7th August, 1789, soon after the government was formed, one of the first acts signed by Washington—an act making provisions for carrying out that ordinance.

It was recognized in the territory South in the cession by North Carolina, on the 2d April, 1790.

It was again recognized in the bill creating a government for the territory of Tennessee, on the 26th May, 1790.

It was recognized in the act of settling the limits of the State of Georgia, and creating the Mississippi territory, on the 7th April, 1798.

It was recognized in a supplemental act to the last, on the 10th May, 1800.

It was recognized in the division of Indiana territory, on the 3d February, 1809.

It was recognized in an act for Illinois territory, on the 20th May, 1812.

It was recognized in the act organizing the Michigan territorial government: the date of this I do not recollect.

But I cannot take up my time by referring to other instances in their order. I know that in some cases voting in the territories was restricted to citizens. This was the case in the territories of Missouri, Iowa, Wisconsin, Utah, and New Mexico; while alien suffrage was again recognized, in express terms, in the territories of Oregon, Minnesota, Washington, Kansas, and Nebraska.

Of the Presidents of the United States who, in some form or other, gave the principle their sanction either in the territories or States, may be mentioned Washington, the elder Adams, Jefferson, Madison, Jackson, Polk, Fillmore, and Pierce.

Reference, sir, has been made in this debate to a speech made by Mr. Calhoun on this subject, in the Senate, in 1836, on the act providing for the admission of Michigan, upon which comments have been made by several gentlemen. The views of that distinguished statesman have been presented as authority on their side. I have simply this to say about that speech: I cannot find it in the *Globe*. I cannot find it in the debates of the day.

Mr. RICAUD. I think it is in his published speeches.

Mr. STEPHENS. I have seen it in his published works, but I cannot find it in the published reports of Congress. It is stated to have been made in 1836, on the bill authorizing Michigan to form a constitution. Michigan was admitted with alien suffrage in her constitution, on the 3d March, 1837; and Mr. Calhoun does not appear to have made any objection to her admission on that ground. I find speeches made by him upon that bill, but none objecting to this clause. I find he offered a substitute for the bill admitting Michigan without objection to the alien suffrage clause in her constitution. Still, it is stated that this speech of his was made the year before, on the occasion referred to, and I do not wish to be understood as questioning it. That was on Congress conferring the right. He did not raise any objection to the admission of the State as far as I can find, because of alien suffrage being allowed in her constitution.

Again: on the 26th of July, 1848, the Clayton compromise bill for the organization of certain territorial governments passed the Senate. The fifth section of the act provides—

“That every free white male inhabitant, above the age of twenty-one years, who shall have been a resident of said territory at the time of the passage of this act, shall be entitled to vote at the first election, and shall be eligible to any office in said territory; but the qualification of voters, and of holding office, at all subsequent elections, shall be such as shall be prescribed by the Legislative Assembly: *Provided*, That the right of suffrage, and of holding office, shall be exercised only by citizens of the United States, and those *who shall have declared on oath their intention to become such, and shall have taken an oath to support the constitution of the United States and the provisions of this act.*”

On the engrossment of this bill, the vote was—

“YEAS—Messrs. Atchison, Atherton, Benton, Berrien, Borland, Breese, Bright, Butler, Calhoun, Clayton, Davis of Mississippi, Dickinson, Douglas, Downs, Foote, Hannegan, Houston, Hunter, Johnson of Maryland, Johnson of Louisiana, Johnson of Georgia, King, Lewis, Mangum, Mason, Phelps, Rusk, Sebastian, Spruance, Sturgeon, Turney, Westcott, and Yulee—33.

“NAYS—Messrs. Allen, Badger, Baldwin, Bell, Bradbury, Clark, Corwin, Davis of Massachusetts, Dayton, Dix, Dodge, Felch, Fitzgerald, Greene, Hale, Hamlin, Metcalfe, Miller, Niles, Underwood, Upham, and Walker—22.”

Mr. Calhoun was on the committee which reported this provision, and he does not appear as having objected to it. And though he may have made that speech in 1836, yet it is equally certain and true that twelve years afterward he voted for the very principle he had previously opposed. His vote for the principle in 1848, in my opinion, is a sufficient answer to his speech against it in 1836. This is, therefore, Mr. Speaker, no new question.

The same principle, as I have said, was incorporated in the same words, I think, in the bill for the organization of Washington territory in 1853, and in the Kansas-Nebraska bill in 1854.

The gentleman from Tennessee [Mr. MAYNARD] put this question to some gentleman the other day: whether, if this bill should pass, Minnesota might not confer the right of voting upon an alien enemy? By no means, sir; the person of foreign birth, who is entitled to vote under this constitution, has first to *purge himself of his allegiance* to other powers. He must have declared his intention to become a citizen of the United States, and sworn to support the constitution of the same. This is the condition precedent. By no possibility, therefore, could *an alien enemy* legally vote in Minnesota.

Now, Mr. Speaker, the decision of the Supreme Court of the United States has been read and commented on by the gentleman from Maryland, [Mr. DAVIS,] who led off in this discussion, and whose speech I listened to with a great deal of interest—an argument as well got up and made on that side of the question as I think it possible for ingenuity, ability, and talent, united with eloquence, to present. He rested his argument mainly on the decision of the Supreme Court in the Dred Scott case, where Judge Taney says that the words “people of the United States,” in the constitution, are synonymous with “citizens.” After reading that part of the decision, the gentleman quoted an article in the constitution which says that “the House of Representatives shall be composed of members chosen every second year by *the people* of the several States;” and his argument was, that as the Supreme Court had defined that the word “people” was synonymous, in the constitution of the United States, to “citizens,” therefore members of this House could be elected by none but “citizens of the United States.” That was the gentleman’s argument; but I am far from concurring with him in it. His argument rests upon the assumption that the constitution of the United States, in the clause quoted, intended to define the class of voters in the several States, and to limit suffrage. I think that it will take me but a moment, by recurring to that clause of the constitution and comparing it with others, to show that the object of that clause was simply to point out the mode of the election of the members of this House in contradistinction from the mode of electing senators, and not the class of voters. The House was to be elected by the people by a popular vote, by the masses; while the Senate was to be elected by the State legislature. That is all that is meant in that clause. The constitution is in these words:

“The House of Representatives shall be composed of members chosen every second year by the people of the several States,”—

There the gentleman stopped. What follows?

—“and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.”

There, coupled with what the gentleman read, is the right which I say that the people insisted upon beyond all others—

the reserved right that the general government should never interfere with suffrage in the States; not even for members of this House. Immediately after the words he read, sir, without a semicolon separating them, is the express declaration that the States shall fix the qualification of electors or voters. Who shall say to each State in this particular, thus far mayest thou go, and no further? Who shall say to the sovereignties where they shall stop? The States, over this subject, have never parted with any of their sovereignty. It is their right, therefore, to fix the qualifications of voters unrestrictedly and absolutely. If they say an alien may vote, it is their right to do so.

The other clause of the constitution to which I referred, showing what was meant in the first part of the one read by the gentleman, is in these words:

"The Senate of the United States shall be composed of two senators from each State, chosen by the legislature thereof."

The first clause the gentleman read the other day refers simply, as it clearly appears, to the manner of the election, the mode of the election, the constituency of those elected—to distinguish them from the constituency of the senators. The one was to be the people, contra-distinguished from the legislatures of the States; this was one of the points of difficulty in forming the Federal constitution. It was finally determined that the House should represent the people and the Senate should represent the States.

I will refer briefly to the same authority on that point. I read from Yates's minutes of the debates in the Federal convention, the fourth resolve:

"That the members of the first branch of the national legislature ought to be elected by the people of the several States was opposed; and, strange to tell, by Massachusetts and Connecticut, who supposed they ought to be chosen by the legislatures; and Virginia supported the resolve, alleging that this ought to be the democratic branch of the government, and, as such, immediately vested in the people."

Again, Mr. Pinckney moved:

"That the members of the first branch (that is, this House) be appointed in such manner as the several State legislatures shall direct."

Mr. Madison said:

"I oppose the motion."

Mr. Mason said:

"I am for preserving inviolably the democratic branch of the government. True, we have found inconveniences from pure democracies; but if we mean to preserve peace and real freedom, they must necessarily become a component part of a national government. Change this necessary principle, and if the government proceeds to taxation, the States will oppose your power."

The idea that prevailed at the formation of our constitution

was, that representation and taxation should go together. It was mainly upon that ground that the men of that day went to the war with the mother country; it was because the colonies were taxed and not allowed representation; and if you trace the history of this government down, you will find this great American idea running throughout—that taxation and representation should go together. Whoever pays taxes should vote—that is the idea.

Great confusion seems to exist in the minds of gentlemen from the association of the words citizen and suffrage. Some seem to think that rights of citizenship and rights of suffrage necessarily go together; that one is dependent upon the other. There never was a greater mistake. Suffrage, or the right to vote, is the creature of law. There are citizens in every State of this Union, I doubt not, who are not entitled to vote. So, in several of the States there are persons who by law are entitled to vote, though they be not citizens. If there be citizens who cannot vote, why may there not be individuals, who are not citizens, who may nevertheless be allowed to vote, if the sovereign will of the State shall so determine? In all the States nearly there are other qualifications for voting, even with the native born, besides citizenship. Residence for a certain length of time. Virginia, for instance, requires of all citizens of other States, native born citizens of Maryland or North Carolina, a certain term of residence. They shall not vote in Virginia unless they have been there twelve months. In Alabama, I think, the provision is the same.

Why, sir, in my own State, where we have universal suffrage, as it is called, no man can vote unless he has paid his taxes, and resided in the county six months. There are thousands of citizens in Georgia, and I suppose in every other State, who are not entitled to the right of suffrage under our constitution and laws. Citizenship and suffrage by no means go together in all cases. My time will not allow me to enlarge on that idea. I will only refer briefly again to what was said in the Federal convention on the subject of the States retaining the control over the subject of suffrage, showing how vigilantly this was watched and guarded by the State-rights men. Gouverneur Morris had proposed to restrain the right of suffrage to freeholders. This gave rise to a long debate. Mr. Ellsworth said:

“The qualification of electors stood on the most proper footing. The right of suffrage was a tender point, and strongly guarded by most of the State constitutions. The people will not readily subscribe to the national constitution if it should subject them to be disfranchised. The States are the best judges of the circumstances and temper of their own people.”

Again he says, (I read from the Madison Papers:)

“Ought not every man who pays a tax to vote for the representative who is to levy and dispose of his money? Taxation and representation ought to go together.”

I barely refer to this to show that I am sustained in my view

by the highest authority. This subject of the qualification of electors, and who should determine it, was mooted at the settlement of the government; and it was left to the State legislatures, under State constitutions.

Now, sir, a few moments on the decision of the Supreme Court of the United States. Judge Taney, in my judgment, fully confirms every thing I have said. He says:

“The words ‘people of the United States’ and ‘citizens,’ are synonymous terms, and mean the same thing. They both describe the political body who, according to our republican institutions, form the sovereignty, and who hold the power and conduct the government through their representatives. They are what are familiarly called the sovereign people; and every citizen is one of this people, and a constituent member of this sovereignty. The question before us is, whether the class of persons described in the plea in abatement [Dred Scott was a negro] composed a portion of this people, and are constituent members of this sovereignty. We think they are not; and were not intended to be included under the word ‘citizens’ in the constitution, and can therefore claim none of the rights and privileges which that instrument provides for, and secures to citizens of the United States.”

It was the first words of this clause of the decision the gentleman from Maryland relied on, but he did not pursue the argument far enough.

The object of the chief justice was to show that persons of the African race, descended from those who were bought and sold as slaves, were not in the original body-politic, and could not, by State laws, be incorporated into that body-politic. But now mark what immediately follows that part of his decision:

“In discussing this question, we must not confound the rights of citizenship which a State may confer within its own limits, and the rights of citizenship as a member of the Union.”

Here is the distinction. By naturalization, Congress can confer citizenship throughout the Union. What are the rights created by that? Three in all. The right to hold land is one; the right to sue in the Federal courts is another; and the right to claim the protection of this government, or the right of passport abroad, is the other. No State can confer these rights throughout the Union; but each State may confer them within her limits. Each State may confer upon an alien the right to hold lands. No man can question that; but if Indiana or Georgia confers this right upon an alien, he cannot go into South Carolina and hold land there by virtue of that. If he were naturalized he could. So each State may give the right to an alien to sue in its own courts; but, therefore, he does not acquire a right to sue in any other State court or the Federal courts. Each State may guarantee her protection within her limits, but not throughout the Union. She cannot pledge the protection of the common government.

But the court goes right on with this language:

"It does not by any means follow, because he has the rights and privileges of a citizen of a State, that he must be a citizen of the United States. He may have all the rights and privileges of a citizen of a State, and yet not be entitled to the rights and privileges of a citizen in any other State; for, previous to the adoption of the constitution of the United States, every State had the undoubted right to confer on whomsoever it pleased the character of citizen, and to endow him with all its rights; but this character, of course, was confined to the boundaries of the State, and gave him no rights or privileges in other States, beyond those secured to him by the laws of nations and the comity of States. Nor have the several States surrendered the power of conferring these rights and privileges by adopting the constitution of the United States. Each State may still confer them upon an alien, or any one it thinks proper, or upon any class or description of persons; yet he would not be a citizen in the sense in which that word is used in the constitution of the United States, nor entitled to sue as such in one of its courts, nor to the privileges and immunities of a citizen in the other States. The rights which he would acquire would be restricted to the State which gave them."

I ask, then, if the constitution of Minnesota, according to this Dred Scott decision, has an iota, or a single clause in it, so far as alien suffrage is concerned, which Chief Justice Taney has not said she has a right under, the constitution of the United States, to put in it? This is a right, none of the States have ever surrendered. Every State in this Union has the right of fixing the *status* of all its constituent elements absolutely, as each State may determine for itself, and also the right of determining who may, and who may not vote at elections for public officers under her authority. What part of the constitution of Minnesota, then, is in violation of the constitution of the United States? Why, then, should she not be admitted?

Let me say, in conclusion, that the constitution of Illinois has such a clause. Is not she an equal in this Union? Why not rule her out? Indiana has such a clause. Why not rule her out? Michigan has such a clause. Why not rule her out? Wisconsin has such a clause. I have the journal here. When Wisconsin was admitted, in 1848, Mr. Calhoun was in his seat and he did not even call the yeas and nays on it. And yet we are told that this is a great and a dangerous example we are setting, if we admit Minnesota on an equal footing with Illinois, Indiana, Michigan, Wisconsin, and all of the States. Deprive her of this great right, would she be their equal? Are Illinois and South Carolina now equal? Are Indiana and Massachusetts now equal? Why, then, if you deny Minnesota the power that Illinois and Indiana have, will she be equal to them? Things equal to one another are equal to each other. If those in the Union now are equal, will not Minnesota be unequal if you deprive her of this right? If you put upon her a condition you have never put upon these others, will not you make her unequal? and if you bring her in, would she be upon an equal footing with her sister States? If she confers suffrage upon those born abroad, who purge themselves of their foreign allegiance and swear to support the consti-

tution of the United States, she has the right to do so. Any State in the Union now has the same right, if any see fit to exercise it. The several States cannot confer citizenship of the United States upon any body or class of persons; but every State, in her sovereign capacity, has a right to say who shall vote at elections in that State. Let us, then, drop this objection; let us admit Minnesota, and let her come in clothed with all the sovereignty that the other States possess. My time is out.

One word about the amendment I have offered. I thought that by this time Minnesota would be entitled to three members. The enabling act entitled her to one, with additional representatives, according to her population under the last apportionment. The information I have received since I offered my amendment, has led me to believe that her population at this time would not entitle her to three members, but will to two; and therefore I withdraw my amendment, and hope the House will pass the bill as it came from the Senate. I call for the previous question.



SPEECH ON THE IMPEACHMENT OF JUDGE WATROUS.

DELIVERED IN THE HOUSE OF REPRESENTATIVES,

DECEMBER 15, 1858.

MR. SPEAKER: In compliance with the promise I made yesterday, I propose to address myself to the House this morning for a very brief space of time. An analysis of all the facts set forth in the voluminous mass of evidence before us would require too much time. That is not my object. It would be useless to do so. But there are some matters connected with the subject I wish to be heard upon. This is the first case of impeachment which has ever come directly before me, since I have been a member of this House, for consideration and action. I shall, in what I say, attempt to lay down some general principles by which my own conduct shall be governed in this and all like cases. I feel it due to myself, due to the party, due to the country, and also due to the House.

It has been said in this debate that this is the first instance of impeachment, in this country, of a judicial officer, where there has been an imputation upon his integrity and honesty—where corruption has been charged. I believe that is true. It is a matter of congratulation to us, looking at our past history; and I think the same cannot be said of any other country upon earth with a history as long as ours. This of itself gives an interest to the question before us, which, in its very nature, is one of the gravest character. The power we are called upon to exercise is a

great one. It is a wise power; it is a right power; it is a just power; and it ought to be justly exercised. We are acting, however, under limited powers; and I do not know that I should have addressed the House at all, had it not been for principles and doctrines advanced by some gentlemen, by which we should be governed, to which I do not assent.

What offences are impeachable? Some gentlemen have argued that "misdemeanor" is a term in the constitution used in contradistinction to that conduct known as "good behavior," during which a judge can hold his office. To demean is to behave, and to misdemean is to misbehave; and any misbehavior is a misdemeanor—that is their argument. I do not, sir, agree to that construction of the word "misdemeanor" in that clause of the constitution under which we are acting. The constitution authorizes us to impeach for "treason, bribery, and other high crimes or misdemeanors." What is to be understood by this term "misdemeanor?" Is it whatever a majority of this House, or a majority of the Senate, at any one time may think is *misbehavior*? I think not. From the days of *magna charta* in England, and much more so in the United States under our constitution, no man can be deprived of life, liberty, or property, "*aut aliquo modo distruatur*;" or in any other manner be injured in his estate or reputation, but by the judgment of his peers, and the laws of the land. The offence must not merely exist in the breasts of a majority—questions of propriety, questions of what may be deemed good behavior or not; but it must be some offence known to the law or constitution; and I will lay down the broad principle that the offence, to be impeachable, must be within one or the other of the classes of acts, known to the law either as *mala prohibita*, or *mala in se*.

Now, sir, some have asked if no act is impeachable by this House except such as violate some statute of the United States? I am free to say that my individual opinion is that none others are; and before you try a man for violating a law, you must make the law, or declare it; and where there is no law, there is no sin. Either in the divine or human codes, where there is no law there can be no transgression. No man ought to be arraigned and tried for any thing, unless in the act complained of he has violated some law. But it is not necessary for me to urge these individual opinions upon this occasion. I do not intend to do it, because, in the precedents of our past government, it has not been practically recognized, and for all essential purposes, so far as this case is concerned, it is not necessary to do so. This, however, is the commencement of a criminal prosecution, and it must be prosecuted according to the known rule of law as recognized by the precedents, at least; and according to them it must be for a violation of some one or more of the great principles of the common law.

This, I state, is the practice of the government, and I do not

care to deviate from it in this case. It is settled by the highest authority; and I refer the House to what Judge Story has said upon the subject, in his treatise upon the constitution of the United States. I believe it will be admitted that this eminent jurist, of whom our country may well be proud, of whose fame this generation may be proud, whose name extends wherever civilization extends and civil jurisprudence has a foothold, was highly federal enough. That he was in favor of giving the government quite as much power as it ought to possess, I think will be conceded. Now, in considering the power of impeachment, and the offences which are impeachable, he says:

"The next inquiry is, what are impeachable offences? They are 'treason, bribery, or other high crimes and misdemeanors.' For the definition of treason, resort may be had to the constitution itself; but for the definition of bribery, resort is naturally and necessarily had to the common law; for that, as the common basis of our jurisprudence, can alone furnish the proper exposition of the nature and limits of this offence.

"The only practical question is, what are to be deemed high crimes and misdemeanors? Now, neither the constitution nor any statute of the United States has in any manner defined any crimes, except treason and bribery, to be high crimes and misdemeanors, and as such impeachable. In what manner, then, are they to be ascertained?"

He goes on to say that they are to be ascertained by the common law; and I beg leave to read particular parts of what he does say:

"It is the boast of English jurisprudence—and without the power of impeachment would be an intolerable grievance—that in trials of impeachment the law differs not in essentials from criminal prosecutions before inferior courts."

Some gentlemen have argued this case as if it was not in the nature of a criminal prosecution. In my judgment it is a criminal prosecution of the very highest order; in England it is undoubtedly so, because the loss of the life of the party was often the result of the judgment. It is true that in our constitution we have limited it; with us, the result of a conviction is disqualification from holding office. It is, nevertheless, here as there, as Judge Story says, in the nature of a criminal prosecution. Now, mark you:

"The same rules of evidence, the same legal notions of crime and punishment prevail."

"The same legal notions of crime." Gentlemen said yesterday that any conduct which would disqualify a party from occupying a seat on the bench, is misbehavior. What, sir, is misbehavior? What different notions people have on the subject—it is often a matter of taste. "*De gustibus non est disputandum*," is an old maxim. There is nothing that there is more difference of opinion about, than what constitutes misbehavior, or good behavior, But to go on:

"Impeachments are not framed to *alter the law*, but to carry it into more effectual execution where it might be obstructed by the influence of too powerful delinquents, or not easily discerned in the ordinary course of jurisdiction, by reason of the peculiar quality of the alleged crimes."

Again :

"It seems, then, to be the settled doctrine of a high court of impeachment, that though the common law cannot be a foundation of a jurisdiction not given by the constitution or laws, that jurisdiction, when given, attaches, and is to be exercised according to the rules of the common law; and that what are and what are not high crimes and misdemeanors, is to be ascertained by a recurrence to that great basis of American jurisprudence."

Judge Story did not go to the extent of the Federal doctrine, that there is an American common law under which indictments may be found; but he says that the *common law is our guide*, and that when the statute is silent on an offence in the high court of impeachment, rules to ascertain the nature and extent of crimes have to be determined by that great basis of American jurisprudence.

Now, sir, one more extract, and I will drop this authority, for it is uniform :

"It is not every offence which, by the constitution, is so impeachable; it is not every offence even against *the common law* that is impeachable; it must not only be an offence, but a *high crime* and misdemeanor."

That is what Judge Story says. We are first to determine the offence according to the principles of common law, and then it must be a high crime and misdemeanor under that. To this extent he lays down the rule, and on this principle I shall consider this case. These are the general principles I intend to apply to the facts of this case.

All that he has said in this debate about the purity of the bench, and the importance of preserving the judicial robes unsullied and untarnished, I fully concur in. Every word that has been uttered on that point I indorse. I would have the ermine of your judges as unstained as my honorable friend near me, [Mr. VALLANDIGHAM,] who declaimed so eloquently on that theme the other day; and if there was a single fact in the case which led me to believe that the purity of the bench had been tainted in the person of Judge Watrous, I would not withhold my vote to send this case as charged—that he is guilty of having used a forged instrument knowing it to be forged—to the Senate.

What, then, are the accusations, and what are the facts? I propose, Mr. Speaker, to present to this House succinctly the gist of this accusation. I will not undertake to detail all the *minutiæ* of the case, but merely the strong points—those on which the impeachment must or ought to stand or fall. I am not giving my views to the House for the purpose of influencing any gentleman's mind; I am only giving the views which govern my own

action. I have drawn from the memorial of the parties the gist of what I consider to be the accusations in this case.

First, there is the memorial of Spencer, stating that, in 1850, Watrous, while judge of the United States court for the district of Texas, purchased or acquired an interest, *secretly* and under cover of another man's name, in a certain eleven-league grant of land in Texas, with the understanding and intention of litigating and determining the validity of said eleven-league grant in the Federal court of Texas, of which he was the sole presiding judge.

That is the gist of the first charge. Well, Mr. Speaker, if that were true, I do not hesitate to say that, according to the principles laid down, we ought to vote to have this case sent instantly to the Senate, and the Senate ought instantly to convict him, or as soon as the charge could be proved. I do not hesitate to say that notwithstanding this is not an indictable offence by the statutes of the United States, it would be by the common law a high crime and misdemeanor; and if he were guilty of it he ought to be impeached on those principles. But how stands the fact? The allegation is that Judge Watrous became interested, secretly and covertly, in a certain title, with the purpose of litigating it in his own court. If there was one particle of evidence, from the beginning to the end of this case, establishing that charge, I have not read it. He with others bought a tract of land; that is true. But I have not seen any evidence that he intended to litigate the title in his own court. In the whole volume of evidence—that seems to have been a drag-net, bringing up every thing—there is not a particle of evidence which I have yet seen that he either acquired his interest *secretly*, or intended to litigate the case in his own court. So far as the charge of secrecy is concerned, the testimony shows that quite a number of persons knew of the purchase at the time it was made; Judge Hughes, of Texas, knew it, and Mr. Love, the clerk, testifies that he knew it from common hearsay.

And then as to the intention of adjudicating the validity of his own title in his own court, the testimony shows that even before the writs were filed, when he first saw them in the clerk's office, he spoke of his interest. Here is the testimony:

“Mr. Love, sworn, says: He [Judge Watrous] came into my office at the time the writs were being issued, I think, and said in substance, ‘this is one of my cases: I am interested in this case. You will lose your fees, because they will have to go elsewhere to be tried.’”

The same fact he disclosed and spoke of openly in court at the April term, to which they were returned in 1851. There is not a particle of evidence going to show that he ever concealed the fact from mortal man. The allegation is attempted to be sustained only by persons who never heard of it; and who cares for the testimony of a hundred thousand witnesses of that character? Not only the clerk, but the record shows that this his interest

was announced in court, and he refused to act or pass orders in those cases involving the validity of his title. There is not, then, one particle of evidence to show that there ever was an intention that his interest should be concealed.

But, Mr. Speaker, it was argued yesterday that the conduct of Judge Watrous was fraudulent and corrupt because he made the purchase with a view corruptly to transfer the case from Texas to New Orleans. The evidence conclusively and completely refutes the first charge of intending to try it himself, and the argument now is, that he corruptly bought the land in order that the case might be transferred to another State. The original accusation against him failed, and now he is pursued with a distinct disavowal of the original ground of accusation with another wholly inconsistent with the first.

Well, sir, League, according to his evidence, was a non-resident of Texas, and the gentleman from Ohio, [Mr. BINGHAM,] said yesterday that he was a partner with Watrous, and that the title was given to Lapsley, in order to get the case into the Federal court. Now, Mr. League, himself, was a non-resident, and had a right to bring the case in the Federal court. Is not that straining the evidence a long way, in order to cast an imputation upon Judge Watrous, where there is not a particle of evidence?

Mr. BILLINGHURST. Allow me to say that the Supreme Court of the United States has decided that he was not *bona fide* a non-resident and dismissed the case which he brought upon that ground after Judge Watrous had decided in such a way that he was held to be a non-resident of Texas.

Mr. STEPHENS. When was that? At what date?

Mr. BILLINGHURST. It was in the case of *League vs. Jones et al.*, which is reported in 18 Howard.

Mr. STEPHENS. They decided that League was not a non-resident?

Mr. BILLINGHURST. Yes, sir; the court decided that he had removed to Maryland for the purposes of litigation, and hence turned him out of court.

Mr. STEPHENS. When was that decision made?

Mr. BILLINGHURST. In the December term, 1855.

Mr. STEPHENS. That does not at all interfere with my argument. The Supreme Court may have decided that he was not a *bona fide* non-resident; but if he sued as such in the Federal court, that showed that he thought he was, and would not have got Lapsley joined in the purchase for the purpose of suing in that court. The decision that he was not, made long after this transaction, could not have influenced his motive at the time of the trade.

I come now, sir, to the second allegation. The first charge has been substantially abandoned, and the second is, that several suits were brought in the Federal court of Texas, of which said Watrous was sole judge, in the year 1851, to test the validity of said grant; that they continued pending there until 1854. In the mean-

time various orders were entered in said causes, said Watrous acting as though no such interest on his part existed; that during this period of nearly four years, he fraudulently and corruptly concealed his interest in the subject-matter of litigation before him; that his interest was finally detected and became publicly known; then the cases were transferred to the Louisiana circuit.

Well, sir, if this charge be true; if, as stated, he did act in his own case; I say according to the principles laid down, put the brand of infamy eternally upon him. But, sir, when I take up this book of testimony, I see that when the writs were filed, Judge Watrous announced his interest, and published it to the bar, and that from the beginning to the end, he never passed a single order on the merits of the case. Here is the testimony:

Mr. Love, the clerk, swears:

“Question. Do you recollect the occasion when you first heard the subject mentioned in court?

“Answer. When the cases were called in court, Judge Watrous said distinctly, (I have the minutes and memoranda of the court, and I know it was then,) ‘I am interested in these suits.’ Somebody wanted an order in these cases; says he, ‘I will give you no order in these cases, for I would not touch them with a forty-foot pole.’”

Again, the minutes show this order:

“John W. Lapsley vs. Charles Duncan.

“This day came the parties by their attorney, and thereupon the judge presiding having stated that he could not sit in this cause by reason of a personal interest, and of an interest of persons with whom he is connected by blood, in a part of the subject-matter in contest, the said parties by their attorneys agree that this cause be removed and transferred for trial to the district of Austin.”

Now, sir, in the face of this record, it is asserted that he acted in his own case, and kept his interest secret for four years, until he was detected—that is, from 1850 to 1854. Why, the accusation is utterly disproved; the testimony is directly to the contrary.

Mr. BILLINGHURST. Did I understand the gentleman from Georgia to say that Judge Watrous's interest was discovered at the first term after these causes were instituted? The causes were instituted in January, 1851, and this entry on the record was not made until January, 1852. Two terms intervened before it was made.

Mr. STEPHENS. This is the way I read it:

“At the United States district court for the State of Texas, held in the city of Galveston, on the 21st May, 1851,” etc.

Mr. BILLINGHURST. The gentleman will find that the entry he has just read relates to “continuances.” If he will read from the record before him a few lines further on, he will find that the judge did not make the disclosure of his interest until January 4, 1852.

Mr. STEPHENS. That does not affect the merits of the case at

all. When his interest was disclosed or announced, the case was, and it ought to have been, continued. The great fact is, that his interest was not concealed, and that he made no order touching its merits. This the record shows, while there is not a single witness who testifies that Judge Watrous ever designed at any term, or ever did, in fact, conceal his interest for a single moment. The testimony is positive that the announcement was made when the writ was issued, before it was filed even, and that he never made a single order in the case, except to continue by agreement of attorneys until the transfer was made.

Mr. REAGAN. I desire to ask the gentleman from Georgia if he is apprised of the fact that Spencer states that he never knew of Judge Watrous's interest, until the order for the transfer was made.

Mr. STEPHENS. I know nothing of Spencer's statement, further than appears upon the record ; nor would his statement, under the circumstances, have much influence with me. For any man who comes before the House of Representatives of the United States, and charges a high judicial officer with having concealed his interest in a case for four years, during which time he took orders in his own case, and was then detected, when there is not one solitary fact to prove the allegation, but the contrary appearing, as in this case, I say that a man who thus deliberately makes such a groundless charge, for the purpose of blackening the character of another man, high or low, I would not believe under oath in any thing. But whether his statement be true or not, whether he knew of the interest of the judge or not, is not the question.

Mr. CRAIGE, of North Carolina. Pascal swears that he knew of the interest long before the time when Spencer says it was detected in 1854.

Mr. REAGAN. He knew it ; but he said he received his information in a way in which he did not feel authorized to make it known to any one.

Mr. CRAIGE, of North Carolina. Pascal was an enemy of Judge Watrous, and had no object in concealing it.

Mr. STEPHENS. That is immaterial. Why, sir, Alexander came here in 1852, and tried to get Judge Watrous impeached, not for the matters now alleged ; and this same interest of Judge Watrous was then disclosed or spoken of before a committee of this House.

Mr. REAGAN. I ask the gentleman from Georgia to point to a word or syllable in this record which discloses the interest of Judge Watrous ?

Mr. STEPHENS. The order which I have just read, shows it.

Mr. REAGAN. That order was made two years after the case was filed. It was made in 1852.

Mr. STEPHENS. The order was made in January, 1852, the suits were brought in January, 1851, returnable to April term, 1851. His interest was then disclosed as proved, and the cases

continued by consent of parties. If Judge Watrous ever passed any order in any one of these cases touching the merits of the cause, I defy any gentleman to point it out. I have looked for it in the testimony in vain. Yet Spencer says he took orders in his own case for four years, until his interest was detected.

I now, sir, pass to the third charge. It is, that after the transfer of said cases to the Louisiana circuit, and on the trial of the issue involving the validity of the title in which said Watrous was so corruptly interested, under said grant, the plaintiffs, Watrous's associates and confederates, amongst other documents, introduced what purported to be a certain power of attorney from one La Vega and others, to one Williams, dated the 5th May, 1832, which said instrument, or pretended power of attorney, was a forgery, and known as such to the parties offering the same, and all of which was done with the previous knowledge, advice, and assent of said Watrous, judge, as aforesaid.

This allegation is, that when his interest was detected; when, as judge, he could not try and pass upon his own case, it was transferred to New Orleans. He followed there; and as one of the links in the chain of his title, he caused his confederates to offer an instrument which was forged, and which he knew to be forged.

I say again, if that be true, condemn him, according to the rule laid down. If that be true, if it is supported by a single particle of evidence even of probable cause, I will say, let his impeachment be voted. But so far from it, there is not a particle of evidence even that he ever saw this La Vega power of attorney in his life. It was never read to him, and he never saw it. It was one of the links in the chain of title; but whether it was forged or not, there is no evidence to show that Judge Watrous knew it. I call upon the gentleman to show the evidence that Judge Watrous knew it to be a forgery.

Mr. REAGAN. I call the attention of the gentleman to the record made by Judge Watrous himself upon the trial, of *Ufford vs. Dykes*, upon a judgment by default, and upon writ of equity awarded, where there was no resistance by the defendant. Judge Watrous charged the jury, on that trial, that the title was good and conveyed the land. And these were the identical title papers under which Watrous claimed his interest in the La Vega grant, the same concession, same power to locate, and the same power of sale.

Mr. STEPHENS. Did he say he knew it was forged? If he said the title was good, does that show that he knew it was forged?

Mr. REAGAN. That is not the point.

Mr. STEPHENS. It is precisely the point. How can you sustain a charge against Judge Watrous on the ground of this forged instrument unless he knew it was forged?

Mr. MILLSON. The gentleman has made a concession which I do not think he intended to have made.

Mr. STEPHENS. Perhaps the gentleman will not think so when he hears me through.

Mr. REAGAN. I have seen the gentleman's adroitness before in avoiding the point at issue; and now he essays to display it at my expense; and I wish to show how he does it. He asserted that the judge never saw the power of attorney; but he has passed over the allegation that the judge never saw the power of attorney, and contented himself with saying that he did not know it was a forgery. My point is, that Judge Watrous could not have adjudicated the default case before him without looking, at the time of the suit, at the power of sale, and he was bound to look at it.

Mr. STEPHENS. What I said to the gentleman was, that there was no evidence, no witnesses, to show that Judge Watrous ever saw it even, much less that he knew it was forged.

Mr. REAGAN. There is the record.

Mr. STEPHENS. The record does not show that he ever saw the power of attorney. The gentleman draws an inference. In the case of *Ufford vs. Dykes*, this question was in issue; but the attorney says the power of attorney was not read; that the plaintiffs would not go to trial because he did not have it; that he permitted them to use his copy, but that no question was raised upon it, and that it was not read in court; and that when the defendants acknowledged its validity, then only the judge said that the title as admitted was good. But there is no evidence in the world that the judge ever saw it, or examined it, or knew any thing about its genuineness. The gentleman argues inferentially that he did see it, but the testimony is that he did not see it; but if he had seen it, that would not prove that he knew it was forged?

Mr. REAGAN. The gentleman has shifted his ground again. I said he must have seen the title papers, when he charged the jury that the title was good, and conveyed the land at the time the default judgment was taken; but he has gone off, and answers me by stating what occurred on a subsequent trial of the same case, this default judgment having previously been set aside, and a new trial granted. And if, in the charge I speak of, there was no power of sale, then the judge gave a false charge, and ought to be impeached for that.

Mr. STEPHENS. Then let him be impeached for that; but I am dealing with the charges as they are preferred.

In reference to the case of *Ufford vs. Dykes*, I will say that the plaintiff claimed lands, and that this De la Vega power of attorney was a link in the chain of evidence; and it is said that Judge Watrous corruptly acted as judge in that case, because, in its trial, that link in the chain of title of the plaintiff was permitted to go before him, and he passed corruptly upon it. Now,

suppose a judge, residing in this district, should buy a piece of land under the grant of Mr. Carroll, who held this whole tract of country, and a suit should be brought in reference thereto: the title to that piece of land would have to be traced in the court from the king's grant down through Carroll. I suppose it would be held by the gentleman from Texas and others that a judge of this district, who might hold his own title from the same source, could not sit on the trial of the case. It is monstrous.

Mr. MILLSON. I desire to suggest to the gentleman from Georgia, that the power of attorney from La Vega was not a link in the chain of evidence in the case of Ufford vs. Dykes.

Mr. REAGAN. It was an essential link.

Mr. MILLSON. There were three eleven-league grants of land to the two Aguirres and La Vega, severally; and, although the two Aguirres and La Vega united in a power of attorney which was written upon the same paper, yet they were, in legal contemplation, separate and distinct powers. In the Ufford vs. Dykes case, the plaintiff claimed under Aguirre; and even though the judge might have known that the signature of La Vega was forged, it did not affect the power from Aguirre.

Mr. STEPHENS. If that were so—if the La Vega power of attorney was a link in the chain of Ufford's title—it is not corrupt necessarily, because the judgment in the case could not possibly ever have affected the judge's interest. I see no corruption in that; none in the world. But the truth is, that the judge did not see the power of attorney; it was not read; and there is not the slightest shadow of proof that he ever knew that it was the same paper. Not a single witness swears that Judge Watrous ever saw it, or knew that it was a forgery. The gist of the charge is, that a forged instrument was used in court; that the judge knew it, and sent it there. If so, according to the principles laid down he ought to be impeached; but there is not a particle of proof, not a shade of a shadow, or a semblance of proof, to sustain any such charge, if it is true.

But, as I understand the fact, there was an issue of *non est factum* made upon that power of attorney in the Louisiana court; and, upon the trial, the jury found it was not a forgery.

Mr. REAGAN. They did upon the testimony of Hewitson, who swore that Gonzales was dead; and Gonzales came forward and testified as a witness in the case two years afterward.

Mr. STEPHENS. I am not going to bring up all the records to show how it was done; but there was a judge of the Supreme Court of the United States presiding, all the witnesses were there upon both sides, and the result of the verdict of twelve men was, that the paper was not a forgery. Now, I take it for granted, that they were as competent to judge of that fact as this House is. Are you to say that that instrument is a forgery? Why, before you could impeach Judge Watrous upon this indictment, you are bound upon your oath to say it was a forgery—which

that jury could not do with all the evidence before them. You have got to say not only that it *was* a forgery, but that Judge Watrous *knew* it.

But, in addition to that, is the statement of the gentleman from Texas [Mr. BRYAN] the other day, from the private papers of Stephen F. Austin, executed in 1833, I believe, in which he alludes to this identical paper, and says it conveyed the power of sale. To my mind that is conclusive, if there was any other evidence wanting, that that power of attorney is good and valid.

Mr. REAGAN. My colleague never said what the gentleman supposes he did ; and there are no such papers in the case.

Mr. BRYAN. My colleague says there were no papers in the case. My declaration upon this floor, the extracts I read, and the assertion that I would present to him and to any other persons the originals, should be sufficient to him and any other persons.

Mr. REAGAN. I spoke of the title papers, and in no one of them is that fact given.

Mr. BRYAN. The fact is given, and that is sufficient, without any title papers. I agree most thoroughly with the gentleman from Georgia.

Mr. STEPHENS. I must go on. I have stated the most prominent parts of this case. There is one rule which governs me, and I think it is a wise and good one. When any person makes an accusation against another's fair fame and reputation, and deliberately publishes what turns out to be a most gross and outrageous, if not malicious, charge against him, and I find that he has committed a great wrong against his fellow-man by accusing him falsely, I watch very closely the smaller matters of his accusation ; and when those great matters are proven to be untrue, I apply another maxim of law to the smaller ones—*de minimis non curat lex*.

As to the rulings or errors in the Mussina case, in which it is not pretended that Judge Watrous had the remotest personal interest, I have read them all carefully ; and this is what I have got to say to that ; that if these were errors, Mr. Mussina could have appealed. In my judgment, he comes now falsely, and says he did not appeal because Judge Watrous would not let him.

Mr. REAGAN. If the gentleman will allow me, I will show him that it was impossible for him to appeal ?

Mr. STEPHENS. I will.

Mr. REAGAN. Well ; let me tell the gentleman that by the action of this judge, a married woman and a minor child, resident in Mexico, were made parties defendant—the one without a husband, and the other without a guardian in the jurisdiction or under the power of the court ; and Mussina never could have had the necessary papers served on them to bring up the appeal as to them, and without them no appeal would lie. The matter was so

ingeniously arranged by the judge, that there was no possibility of appeal.

Mr. STEPHENS. Did Mussina make that point before the judge?

Mr. REAGAN. He could not. When could the point have been made?

Mr. STEPHENS. When the error was committed, why did he not except then, and take it up to the Supreme Court? Why could he not? and why did he not? He did not; and it is a pretext for him to do so now. I do not think there was any error in these rulings. In my judgment, every ruling of the judge that is complained of was right. That is my opinion as a lawyer. But if there was any error in them, our judicial system provides for the means of correcting errors of judgment; but not by impeachment.

Mr. REAGAN. I wish now to have the gentleman from Georgia answer this question: Was it right in the judge to admit a party to the suit to swear as a general witness, in his own case, against the objection of the adverse party?

Mr. STEPHENS. As to all such questions as serving notices and interrogatories, it is uniformly allowed by the courts.

Mr. REAGAN. But I ask whether a party should be admitted as a *general witness*? Let the gentleman go the whole length of the record.

Mr. STEPHENS. State the point in the record.

Mr. REAGAN. I ask you if it was right in the judge——

Mr. STEPHENS. Just wait. If there was error in that, why not have excepted to it, and have it taken to the Supreme Court?

Mr. REAGAN. I have answered, that Mussina could not do it.

Mr. STEPHENS. Why?

Mr. REAGAN. For the reason that the necessary process could not be served on the married woman and minor child, who resided in Mexico, and whom Judge Watrous improperly and unlawfully took jurisdiction of.

Mr. STEPHENS. Why did he not except to that.

Mr. REAGAN. He did except.

Mr. STEPHENS. Why not bring it to the Supreme Court?

Mr. REAGAN. I stated in my argument the other day, an additional reason that Mussina believed that the appeal taken by Shannon would have settled his own case.

Mr. STEPHENS. Does Mussina show that he ever thought that Shannon's case carried up his?

Mr. REAGAN. He employed Mr. Benjamin as his counsel in that appeal, and did not know that Shannon's case did not carry his until Mr. Benjamin told him that it did not.

Mr. STEPHENS. He went to see Mr. Benjamin, to get him to defend his case, after nearly five years had elapsed, and Mr. Benjamin swears that he did not understand what case Mussina was talking about; so little did he know about it, that he could

not describe it correctly. But he had ample time to appeal after Mr. Benjamin told him of the defect; and Judge Watrous notified his lawyer after Mr. Benjamin's opinion was given, that he was ready to certify the appeal when he complied with the terms of the law. But he did not do it.

Mr. REAGAN. In justice to Mr. Mussina let me say that Mr. Benjamin did not state that that was the fault of Mussina, but a mistaken inference on his part. He supposed that Mussina referred to another case in which his name was mentioned.

Mr. STEPHENS. Well, let those things go for what they are worth.

Now, Mr. Speaker, to return. As to all these rulings, as my attention has been directed to them out of the line of my argument, and by which so much time, unexpected, has been consumed, I repeat, in my judgment, they were correct; witnesses were allowed where their interest was mutually balanced; and in one instance complained of, the preponderance of interest was against the party calling the witness. In my judgment every one of them was correct. But a sufficient answer for me is that if there was an error of judgment, an appeal might have been taken, and if the party lost his appeal by *laches*, he cannot now get redress by impeachment.

Mr. REAGAN. If the gentleman will allow me time, I will show how often he tried to get an appeal.

Mr. STEPHENS. Not now. I have talked with some gentlemen on this matter, who told me that they think it was wrong in Judge Watrous to have gone to Alabama and join with citizens of that State to buy these lands. All that I have got to say on that is, that it was no offence; and I say further, that if Judge Watrous was the man that they pretend to think he is, and charge him to be, Spencer, instead of complaining of what he did, ought to thank him for it, for if he had not been interested Lapsley could have sued in his court and got a trial before him—this most corrupt judge as they charge him to be. But as he became interested, the case complained of was transferred and tried before Judge Campbell; against him there is no charge or imputation. By the arrangement he got an able, competent, and acknowledged honest man to try his cause. If he lost it as he did, he has no reason to complain of Judge Watrous. No one pretends that justice has been defeated or any body wronged. If Spencer has lost his case, it was because the law was against him. The burden of his complaint now is, that, by the conduct of Judge Watrous, his cause was tried before an honest judge and impartial jury.

One word about the action of the legislature of Texas. This was in 1848, not about any of these transactions; the reason why the legislature requested him to resign, as I understand it, was because he held that certain statutes of limitation did not run until the parties got within the jurisdiction of the State of Texas.

Mr. REAGAN. That was not the cause of the action of the legislature. The reason they requested Judge Watrous to resign was because he was believed to be engaged in dealing in fraudulent land certificates and fraudulent eleven league grants.

Mr. STEPHENS. Well, at all events, Mr. Speaker, they could not have alluded to this transaction, because the resolution was adopted in 1848, and this purchase was not made till 1850. I do not think that spiritual rappings had been known so early as 1848, or that there was any *media* at that day, which could tell in 1848 what could be done in 1850, and from that on to 1854.

Mr. REAGAN. But fraudulent certificates and fraudulent eleven league grants were known then, if spiritualism was not.

Mr. STEPHENS. Then all I have got to say is, that the legislature was worse than Mussina, for they allowed ten years to pass and have not yet brought witnesses to prove this fact.

Mr. REAGAN. Will the gentleman stop there?

Mr. STEPHENS. Yes, right there. [Laughter.]

Mr. REAGAN. I offered to prove that before the judiciary committee during the last session. I went before them with a record of the circuit court of Louisiana for that purpose, and asked to have witnesses examined, as I have said before; but I was denied the privilege by the action of this House and the committee.

I also offered to prove that he had sold three fraudulent league certificates to Mr. Low, of Illinois, and swindled him out of about six thousand dollars, when he knew them to be fraudulent, void, and worthless; for which, by the laws of Texas, he subjected himself to a most ignominious punishment; but was denied the opportunity of doing this, too.

Mr. STEPHENS. Then it would have been much better to have proved it in Texas, and have had him whipped.

[Here the hammer fell.]

RAILROAD LETTER. NUMBER ONE.

CRAWFORDVILLE, GA., MARCH 13, 1857.

DEAR SIR:—Your esteemed favor of the 7th instant was not received until last night. I had been absent from home for several days. This will account to you for the delay of my answer. I now cheerfully comply with your request, to give you such information as I can touching the origin and construction of our great State railroad and the prominent actors connected with it. I entered the legislature for the first time in 1836 as a member of the House from this county. That was the session the first movement was made for the construction of the State railroad.

I was amongst its most zealous advocates. It is difficult at this time to conceive the objections then raised against it. Almost as difficult as for the enlightened men of this day and generation to conceive of the nature and extent of the obstacles and impediments that lay in the way of, and environed the path of all the great improvements which have marked the progress of civilization for the last three hundred years. It was a new enterprise. It required a great outlay of money. It looked to the creation of a State debt of frightful magnitude in the eyes of many of our oldest and most faithful public men reared in the school of rigid economy. It was not a party question, nor did men divide on it with any reference to the then existing parties. Some of the ablest champions of this work were democrats. Amongst them in the House (and what I shall say will be confined mostly to that body) was William W. Gordon, of Chatham. He was emphatically the leader of the measure. He had been in the legislature for several years, and had acquired considerable reputation as a man of ability and influence. My views and position on this question brought me very soon in free, full, and frequent communication with him. He was a man of high order of mind naturally; thoroughly educated at West Point, I think, though he did not go into the army. He was a lawyer in Savannah. Few men in Georgia at that time were his superiors in intelligence or intellectual attainments. Besides this, he was a man of untiring industry and energy. His whole soul was in this work. It was from my recollection of the scenes of that session and the part he acted in them, as well as the scenes of subsequent sessions, when the road, after being commenced, was threatened with abandonment, that I urged upon some friends, a few years ago, the propriety of naming a county after him, and erecting a monument to his memory. The suggestion was carried out. This much I have thought due to him that I should say to you. He at the time stood high in the estimation of his party, then in the majority, but none of his associates of prominence in the House backed him, unless I except Crane, of Lumpkin. I am not certain whether Henry G. Lamar was in this session or not. It is strange that I do not, and I have not the journals to refer to, but if he was, I know he was an active and able supporter of the measure. He was amongst the ablest supporters whenever he was there; this I know. Crane's given name I do not recollect. He had a respectable position as a debating member, and was a warm advocate of the road. The most of the speaking talent of the House that session was on the side of the opposition, known at that day as "State rights men." Amongst them, first and foremost, may be mentioned Charles J. Jenkins. After him may be named Andrew J. Miller, Samuel W. Flourney (now of the *Columbus Enquirer*), James A. Merriwether, Edward Y. Hill, Iverson L. Harris, William B. Pryor, Isaac N. Davis, then of Elbert county (now of Miss.), and some others. These divided on the ques-

tion. Jenkins, Miller, Hill, and Harris advocated the road; Davis, Merriwether, Pryor, and Flournoy opposed it; the latter in one of the most humorous as well as, taken all in all, one of the most extraordinary speeches ever delivered in the House of Representatives, I have no doubt. The speech occupied all of one afternoon and part of the next morning's session. Never can anybody forget that speech who heard it. It abounded in wit, sarcasm, and ridicule, with some touches of real eloquence rarely surpassed. The House was kept in a roar of laughter for hours. It was in this speech that he gave the *soubriquet* of *Snout* to the road. He seemed to be thinking of the word "main trunk," frequently alluded to by the friends of the measure, when, apparently at a loss for the word, he said: "This main—what do you call it, Mr. Speaker? This *great snout*, I believe." His whole object seemed to be to show that the entire scheme was wild and visionary—would be an endless waste of money with no return. Pryor took the same course. He had a fine voice, fine delivery, and at that time promised to become a man of high position in the State. He hailed from Harris county.* He spoke of the road as "beginning nowhere and ending nowhere," and the utter impracticability of building a railroad "over mountains too steep for a spider to crawl up." This speech was rich of its kind in thought and illustration. Davis opposed it because of the immense expense, and advocated the application of the funds at the command of the State, to the establishment of common schools. Merriwether took the same course, and really was the leader of that view. He was not so much opposed to the road as he was in favor of doing something else with the public monies. Harris and Hill, on the contrary, were for the road. They were both new members, I think, and spoke with ability. A little incident attending Hill's speech, I shall never forget. It was an anachronism in a figure, pardonable in an extemporaneous speech by a young orator, but which caused some merriment at his expense. He was winding up with some flourish which I do not recollect, but the concluding words were something about "the last of Romans being buried in the tomb of the Capulets." This caused a laugh in the circle near him, but an old gentleman, a plain, farmer-looking member—who sat some distance off, noticing the laugh, and not knowing or understanding the cause of it, inquired what it was he said: who did he say was dead? Whereupon, Flournoy then answered him with a countenance expressing perfect *naïveté* and seriousness, "He said that old Mr. Roman was dead, and buried with his cap on." This greatly increased the laugh. Flournoy, in his speech I have alluded to, also gave Harris, who represented Baldwin, a rap or two which brought down the House. Harris had spoken before Flournoy. He is, you know, not only a very able man and a very high-toned gentleman, but has a very peculiar style and manner of expression when he is in earnest—thinks but little of money when great ends are to be obtained by its proper use. He had on

* He died several years ago.

several occasions spoken of the *insignificant sum* of so and so—many hundred or thousand dollars set forth in some appropriation bills he had advocated—compared with the great utility of the measures. Such, for instance, as the sums required for the erection of an executive mansion and a lunatic asylum, of which measures he was the champion. He had in his speech on the railroad spoken of the money expended, or to be expended, as a small matter compared with the greatness of the work. He had also a measure pending for the incorporation of the town of Milledgeville, then not as large and flourishing as it is now, as the “City of Milledgeville.” In Flournoy’s notice of his speech on the railroad, he took occasion to dwell upon his general views about appropriations. The small and *insignificant sum* in such and such a bill—the small and *insignificant sum* in another—and so on, alluding with particularity to each. Then he touched him off about his bill to make the town of Milledgeville a city. “The city of Milledgeville!” said he, with great emphasis, casting his eye out of the window and surveying the prospect in an inimitable manner. “Why, Mr. Speaker, you might just as well call a *thrip* a dollar! and you might as well,” continued he, “undertake to make a city out of this little town, with its gullies all over it, like the wrinkles of premature old age on the face of a broken-down *rue*, as to make a railroad across the mountain passes of Cherokee! The very *insignificant sum* of four million dollars, sir, could do neither!!”

This will give you only a very faint idea of some of his thrusts, and some of the general grounds of opposition to the measure. Jenkins, however, was Gordon’s right hand man in the struggle. I do not recollect that Miller spoke on the subject, but he was active in conversation. He entered the legislature for the first time that session; and I believe continued in it, either in the House or the Senate, until his death last year. Twenty years was he there. The first session he spoke but seldom, but his worth and good sense were well known very early after his entrance on that theatre, where he subsequently acquired such a lasting reputation and renown.

But Jenkins had been there before. He understood the rules well. He was at ease and perfectly at home. No man could equal him in debate. He was fluent, graceful, and elegant. His manners were polished, his language choice and select. Whatever wit he exhibited was of the Attic order. His temper was completely subject to his control. He was never thrown off his guard—always cool, collected, and self-poised—and I have often thought, I never saw a better balanced man in every respect than he is. At that time he was comparatively young, and yet I have noticed but little change in him since. He took a large and comprehensive view of the subject, and without his aid I do not now see how Gordon would have got along with his measure. I say his measure because he was at the head of the committee who re-

ported it and had it specially in charge. Besides, as the democratic party was in the majority, it was according to parliamentary usage and custom, that the heads or chairman of all important committees should be of their party. The measure, therefore, in this sense was his. He reported it, and was responsible for its conduct through the House. But as I have said before, he was not only *godfather* of it in this sense, but one of the master spirits of the day who originated it. Jenkins was equally enthusiastic with him. These two, perhaps, were the most prominent men in the House who threw all their energy into it. And it would, perhaps, be unjust to one to say that the other was more efficient in effecting its passage. They occupied opposite sides of the House—Gordon was the leader of the democrats, Jenkins of the State rights men. Both had had some parliamentary experience—as members of the same body. Gordon was several years the elder, I should suppose. But the most striking difference between them, was in their speaking or oratory. Jenkins was classic, ornate and diffuse, Ciceronean. Gordon was terse, pointed, clear, short, and emphatic. His manner was very much like Mr. Calhoun's. I have heard them both often. Their gesticulations were very much alike—and their powers of concentration were very much alike, also. Mr. Calhoun could say more in a given time, than any man I ever heard, except it was Mr. Gordon. He made no regular set speech on this bill, but he was engaged frequently in skirmishes—answering objections in the midst of the speeches of others, or answering questions put to him by objectors. On these answers he was always signally triumphant. Mr. Jenkins, however, made an elaborate speech on this subject. I can give you no idea of it at this late day. It was argumentative in a great degree, but in some parts he indulged in passionate declamation, exhibiting the highest order of eloquence. The debate lasted for several days—exactly how long, I do not now recollect. But it was the longest debate—the most protracted, exciting, and interesting that ever occurred in the course of my service in the Georgia legislature, which embraced six years in all, five in the House and one in the Senate. As to the part I took in it, about which you make inquiry, I can say but little. I was a warm advocate of the measure. I did not intend to speak until after Flournoy's volley. He came after Harris, Hill, and Jenkins, our big guns, and after I thought the argument was exhausted. Fearing that he had done some damage to the cause, I ventured to attempt, at least, to remove some of the rubbish he had thrown in the way. It was my first effort. This was my *debut* on the boards of legislative debate. I had prepared myself with all statistical information I could get bearing on the subject. My object was to show the great utility of the road as a means of developing our up-country resources, and as an ultimate outlet to the trade and travel of the great Northwest. I have the notes of the speech yet. I showed, as I thought, from undisputable *data*, that the

road must be a source of profit to the State at a cost of four million—the estimate then assumed—besides the immense enhancement in value, of the lands and other property of the citizens along the line, it would bring, thus greatly augmenting the aggregate wealth of the State. This might be put down at at least fifteen million dollars—by my figures then made—besides bringing into the State treasury an annual net income of at least three hundred thousand dollars, much more than would meet the interest on the cost. How far I was short of the mark, under it or over it, others may now estimate for themselves.

The speech being my first, when little or nothing was expected, did me great credit, and aided very materially, many thought, in securing the passage of the bill. This I think I may say. The vote on the test question was a close one. I forget now, but I do not think we carried it by more than four majority. After the test was taken and decided in favor of the survey of the route (that was the test question), we gained strength. The great battle had been fought and the victory won. And as we look back now who can say that the day on which that test vote was taken and decided (by as small a majority as it was) was not the most important day in Georgia's history since the beginning of the present century. What great consequences have resulted from that vote? It was the date of a new era in our annals. It was an epoch—a turning point in our career. The theme you have selected for your lecture is not only a good and appropriate one, but a grand and noble one, well calculated to inspire the souls of young Georgians with thoughts and ambition of a high order. That ambition which looks only to the advancement of the happiness, prosperity, power, glory, and renown of the State. But I cannot prolong this scrawl; I fear you cannot read what I have written, or rather scribbled, already. Indeed, I do not know that I have given you what you desired. But as the day is gloomy, wet, rainy, cold, and sleety out doors, I have kept writing such as you find this until, I doubt not, you will be as weary in endeavoring to decipher the characters used as my fingers have become in penning them.

Yours respectfully,

ALEXANDER H. STEPHENS.

PROF. WM. RUTHERFORD, JR.,

Athens, Ga.

P. S.—While it still sleets, freezes, and snows, so that I cannot send my letter to the office, I must add a few words by way of postscript.

The road was popular in 1837. This year we had Toombs and George W. Crawford, new members in the House, strong friends of it. Merriwether also became a warm advocate of its prosecution. So did Flournoy afterward, and others. It continued

popular in 1838. But when hard times came in 1840, 1841, 1842, and 1843, great and strong opposition grew up. The road was incomplete, unfinished—an attempt was made to sell it. This was in 1843. The proposition to sell was made by Judge Iverson, then senator from Muscagee. The contest was close and doubtful, and that was the most important period in the road's history, except the one of its first undertaking.

The proposition to sell was lost in the House by but one vote. Crawford had been just elected governor. He had exerted all his power against the proposition to sell. Jenkins and Toombs in the house defeated it there. Miller was in the Senate. Bishop, Tumlin, and Smith, of the Cherokee country, from the beginning were untiring and efficient friends of the road. I allude to Wm. N. Bishop, Lewis Tumlin, and Wm. Smith, of Rome. So was Mr. McFarland, of Walker, while he was a member.

In speaking of Gordon, I have said, that he was usually triumphant in his quick replies in a running debate. On one occasion, however, it was thought by many in the House, that Miller got rather the better of him in this respect. Gordon said in one of his animated appeals, that he "believed Miller would follow his party to the d——l." Miller replied that he "would rather follow any party to the d——l than to lead one there." This was not, by the by, in the railroad discussion. I give it only as one of the reminiscences of the session and the parties. But enough.

A. H. S.

RAILROAD LETTER. NUMBER TWO.

CRAWFORDVILLE, GA., MARCH 17, 1857.

DEAR SIR:—In my letter of the 14th instant, upon the subject of the State railroad, I referred to matters essentially *in pais*, sketching incidents attending the passage of the bill authorizing its construction, which exist only in memory, and of which there is no record. Upon a *re-perusal* of your letter of inquiry, it has occurred to me that perhaps you wished facts of a different character, and such as more properly constitute a history of the work. With a view of directing your mind where you can find such, rather than make an attempt to furnish them myself, allow me, in addition to what I before said, now further to state some incidents connected with its origin of a more general and public character, which may aid you in your investigation.

The subject of the connection of the valley of the West with the southern Atlantic ports by railroad, had engaged the thoughts and attracted the attention of men of enterprise for a year or two before 1836—perhaps as early as 1832. The subject was

alluded to in the newspapers of the day ; but the prevailing idea then was to connect Charleston with Cincinnati. For this purpose a railroad convention was called at Ashville, North Carolina. The time that convention was called, or rather when it met, I do not recollect. But one with the same object was called at Knoxville, Tennessee, which held its session on the 4th day of July, 1836. To this convention a delegation was sent from Georgia—whether altogether by voluntary associations of the people in different places, or by the railroad companies then chartered by the State, I cannot now state. The report of the proceedings of the Knoxville convention produced a very favorable impression upon the minds of our people. Still Cincinnati was the point looked to as the *trans-mountain terminus*. Governor Schley, in his message of 1836, brought the subject prominently to the notice of the legislature, and urged the matter as one worthy of their consideration. He was a warm advocate of the measure. The legislature in the year before had authorized him, I think, to employ an engineer to report upon the practicability of a route over or through the Rabun Gap. He had appointed General Brisbane, of South Carolina, to that office, who had, up to the time of the meeting of the legislature, in November, 1836, made only partial reconnoissances for the localities. The appointment was made too late for accurate surveys, with costs and estimates, to be submitted, by the meeting of the legislature. Meantime, too, a railroad convention was called in this State, in Macon, which assembled in that city the same day that the legislature met in Milledgeville. The object of that convention was to collect information, and concentrate public opinion upon the most feasible route for a connection of the southern Atlantic coast with the West. That convention was a large one. It had delegates from all sections of the State, and had amongst its members several of the ablest men in Georgia. It was exclusively a Georgia concern, I think. Its labors closed with nothing more pointed or practical than making a strong, urgent, and able appeal or address to the legislature then in session to undertake the work. This memorial was presented to the House by Mr. Gordon ; and in nothing, purporting to give a history of the State road, ought the important bearing of the action of that convention to be overlooked or omitted. I have not a copy of the memorial, but it was ordered to be printed, and you may, perhaps, be able to get a copy. It was written with great ability, and was not without its influence on the minds of members of the legislature. It was written, I think, by the Hon. Absalom H. Chappel or Judge Berrien. At that time we were in the midst of a prosperity never perhaps before known or realized. Cotton was bringing a high price, and property of every description was comparatively high. Speculations of all kinds were rife. The act providing for the distribution of the surplus revenue of the United States amongst the States had just passed Congress. The estimated amount

that Georgia was to get under the act was about a million and a quarter of dollars, I believe—though I may be mistaken in this. I speak only from memory. It was, however, large. And what was to be done with the money? was the question. The friends of internal improvements looked upon this as a golden opportunity to embark the State in some public work permanently useful. It must however be borne in mind that there was considerable diversity in opinion amongst them as to the character and nature of the enterprise to be undertaken, as well as its location and direction. Many were wedded to the idea of *tapping* the great Northwest through the proposed Cincinnati and Charleston railroad, by a branch road from some point in our State crossing the Blue Ridge at the Rabun Gap. This was certainly Governor Schley's idea if I recollect rightly. Mr. Gordon, on the other side, looked toward Ross's landing, now Chattanooga, as the northwest terminus of our road. With him Jenkins, Miller, and most of us, or a majority of those in favor of the undertaking, concurred. There were a few who looked still further south for the proper line of location. They looked to Memphis as the ultimate western terminus, and thought the State road ought to pass through Rome, in Floyd county. The middle route was the one adopted in the bill passed in 1836, and the one which has ever since been adhered to—the one on which the road has been actually built. But the subject was not suffered to rest with the action of 1836. Subsequently, for several years, efforts were repeatedly made to change the upper line of the road, giving it direction through Rome. Little, if any thing, was ever said about the Rabun Gap route after 1836—I mean as the line of the road undertaken by the State in that year. I told you in my other letter that the test vote in the House was a close one—that we had on it not over four majority—that was my recollection at the time, but upon reference to the journals I find it was only three. The vote was seventy-four to seventy-seven. It was on a motion to strike out certain words in the first section of the bill. The bill, as originally reported, set apart a sufficient portion of the fund to be derived from the general government under the distribution act, and appropriated the same for the construction of the road. A motion was made to strike out these words, “sufficient portion,” and insert “one half.” This motion, like the shaft that was sent into Achilles' heel, was aimed at the weakest point of the bill, though, unlike that, it did not effect its intended object. Three majority saved it. I thought, the other day, that the test vote was on ordering the survey and location of the road, but I find it was on the weakest part of the first section, the one which committed the State to its construction. This was the weakest point, because there were a few in the House willing to vote half the surplus revenue to be received to internal improvements, and the other half to common or public schools. But the lines in the House between the friends and the

opponents of the road were very closely drawn and clearly marked by the vote, and the majority was so small in favor of the road that its friends became satisfied that they would have to yield something to secure its passage. This was finally accomplished by our all voting for an amendment setting aside and appropriating "two thirds" of the fund for the road. In this shape it passed the House. In the Senate, however, this was further modified by saying nothing about the surplus revenue, but *limiting* the *annual* appropriation to the amount set forth in the law, as you will find it, \$350,000, and under the conditions therein expressed. The bill finally passed the House by a vote of one hundred to fifty-four. But this was no test of its strength at that time. It is true it had gained some strength after the main victory on the first struggle at the outposts, as I have stated; but its real strength was tested on the motion to send it forthwith to the Senate. Many had voted for it intending to vote for a reconsideration. The policy of these was to lull its friends into feelings of security, and to take them by surprise on Monday morning. The bill passed Saturday evening. But as soon as it passed, Mr. Harris, of Baldwin (Hon. Iverson L. Harris), moved that it be sent forthwith to the Senate. This took the enemy as much by surprise as they expected its friends to be taken by their stratagem on Monday. The object of the motion was to cut off the possibility for a reconsideration on Monday; for, by parliamentary law, a subject cannot be reconsidered that is out of the possession of the House. No sooner, therefore, was this motion made, than a call was had for the ayes and noes. One not acquainted with legislative tactics would naturally suppose that every one who had voted for the bill would vote to send it to the Senate. But not so. On this motion the vote stood seventy-two to sixty-eight—only four majority; and but for the *motion then* made and carried, it is not at all improbable that a reconsideration would have been effected by activity on the part of the opponents of the measure between that time and Monday. For, in legislative conflicts, as in all others, my experience has taught me that every victory gained gives new courage to the doubtful and wavering.

On Monday morning, Mr. Strickland, of Madison county, moved a reconsideration, notwithstanding the vote of the House on Saturday sending the bill to the Senate. The Speaker (Mr. Joseph Day, of Jones county, who made an excellent presiding officer, who was familiar with the rules, and who had great dignity of person, accompanied with an urbanity of manner unsurpassed by any I ever saw in that chair, unless I except Mr. Jenkins) "decided the motion to be out of order, the House having by their order of Saturday placed the same out of the reach or possession of the House." Mr. Harris, of Newton (John Harris, now of Covington), though a friend of the bill, appealed from the decision of the chair. The Speaker's decision was overruled—

the vote being sixty-six in favor of the decision, which was clearly right, and seventy-five against it. The opponents of the road saw some grounds to hope from this vote. Its friends grew a little alarmed. The question immediately recurred upon a reconsideration. Much anxiety was manifested. Dougherty of Troup, (Robert Dougherty, generally known as Bob), a man of character and influence, had come in since Saturday, and he was known to be opposed to the road. He was absent when the vote was taken on Saturday. He was a great accession to the ranks of the opposition; and as our column had been broken on the vote growing out of the decision of the chair on the point of order, we felt that all might still be lost. Some kept tally as the names were called; both sides were excited to the highest pitch. The announcement of the result was sixty-five in favor of reconsidering, and seventy-six against it—eleven majority for the road. This settled the matter so far as the House was concerned. Deep chagrin, disappointment, and mortification, were evinced on one side, while joy and exultation were indulged in on the other. This feeling on both sides was greatly increased by the loud applause with which the galleries responded. It is a theme of pleasant reflection at this day to call up the recollection of remarks and comments then freely indulged in by persons according to their agreement or disagreement with the action of the House. On the one side, it was said by some of the most heated of the minority party that it was the most injurious bill ever passed by the House, not excepting the Yazzo fraud; that if the Senate passed it, and it became a law, the people would rise up and burn it with fire drawn down from heaven. On the other side, it was boasted of as the greatest enterprise of the age; that the memories of those who projected it and carried it through would be as honored in the history of the State as the memory of DeWitt Clinton in New York; that the work would do for Georgia at the south what the Erie canal had done for New York at the north.

In my letter of the 14th, I mentioned several who had acted conspicuous parts in the debate both for and against the road. I stated I had forgotten whether Henry G. Lamar was in the House that year or not. I am now satisfied that he was not. John B. Lamar was in, from Bibb, and he was a decided friend of the measure. I should also mention Kelly, of Houston, as a true friend of it. He is now dead. He afterward was the first reporter to the Supreme Court. And among the ablest of the friends of the road who afterward came into the House, none were more conspicuous than Absalom H. Chappel. Among the most noted in the House opposed to it, whose names I have not mentioned, were Burns of Jackson, Easley of Walton, Strickland of Madison, and Cone of Camden. These men were all characters in themselves, marked men in their day. They were each members of the House for several years. They were all without education

except the commonest rudiments, and yet all of them took an active part in what was done. They all spoke when the spirit was upon them; and though their grammar was not good, yet their logic was not always without point. Their greatest error lay in their assumed premises. No one could question their patriotism. The homely, sturdy virtues of plain farmers, I believe, were awarded to each.

They needed cultivation, and that enlarged and comprehensive view of things so essential to statesmanship in the true sense of that word, and yet they did much good in their opposition to many schemes which those better educated advocated, and which were perfectly wild and chimerical. It is true they opposed and perhaps aided in defeating many things that would have advanced the prosperity of the State, and yet no one can say that they did not do the State some service. Burns was a militia general. Cone, of Camden, was, I think, according to his own account of himself, a *cow driver*. He made his first appearance in the legislature in 1825, at the extra session called that year by Governor Troup, and though he had no "school learning," yet he paid court to the Muses. When some dull fellow was boring the House with a speech, Cone generally occupied himself with either taking him or somebody else off in lines of ludicrous rhyme, which were sent round for the amusement and merriment of the House. Many of these were very good hits. I have several of them yet. Strickland spoke often—so did Easley. But their eloquence and rhetoric were of a day that is now passed. They were both farmers, I think. One of the most pointed things I ever heard from Strickland, was a retort he made upon Robert Dougherty, in the debate on the bill to establish the Supreme Court. Strickland was utterly opposed to it, and had made one of his characteristic speeches against it. Dougherty replied to him, and did it very *roughly*. In winding up, he said, in reply to the remarks that had been made by Strickland, insinuating that the court was intended to favor the lawyers as a class—that he was no lawyer; he was not looking to the interest of lawyers. "I am," said he, "Mr. Speaker, no lawyer; though I did *try* to be, but *couldn't*. I am nothing but a farmer myself."

Strickland arose, and very coolly said:

"Mr. Speaker, the gentleman from Troup need not have informed the House that he was no lawyer, though he says he tried to be. We all can see that he only tried to be what he couldn't." By the by, I ought to say what all who know Dougherty are well apprised of, that he is a man of far above average ability. He was the youngest brother of three, Charles, William, and Robert, all famous in Georgia. He had a high position in the House as a gentleman of intelligence, information, ability and usefulness. He had a great influence in the House, and spoke well. What he said about being or not being a lawyer was strictly true, only in this: He was not then practising. He had

been at the bar, and had acquired distinction at it. Some years ago he moved to Alabama, where he was put upon the bench, and gave general satisfaction as a judge. He was a man of great humor—used to tell more amusing anecdotes, and keep crowds roaring in laughter at them, longer and louder than any one in the whole circle of my acquaintance. His fund seemed to be inexhaustible. Indeed, he seemed to have the facility of extracting humor, mirth, and fun, out of any thing he saw or heard. The driest subjects to others furnished him with materials, not only to laugh himself most heartily, but to make others laugh also; and he always laughed as loudly at his jokes as others did. One of his jokes was well turned on him by Jenkins, in 1839. It was what was well known at the time as the “Racket” story. It was a long one, as he told it, and intended to take off a man in the village of his former residence, Watkinsville. The man in question, whose name I forget, had a dog he called Racket. Racket was famous in the town for his size and mastiff-like proportions. In the days when circuses and caravans of animals were not so frequent in the backwood villages of Georgia as they are more recently, one of these travelling menageries made its way to Watkinsville. A great crowd was out to see the show. The town was jammed by the people, men, women, and children, pouring in from the country. A large canvas was spread to keep those from seeing who would not pay. The elephant was there—the lion—the tiger—the hyena—and all sorts of monkeys, from the baboon down to little “Dandy Jack.” Some of the country people, observing the force with which one of the larger apes shook a cage over which he was chained, started a question as to the relative strength of these animals compared with other animals, such as bears, dogs, etc. This man of the town, on whom Dougherty’s anecdote was told, listened to the conversation awhile, and then offered his opinion, which was, that his dog, Racket, could whip any monkey in the show. The “master of the ring,” hearing this, stepped up and said that, “that there little monkey,” pointing to “Dandy Jack,” dressed out in his “riding riggings,” “could whip any dog in that town.” Whereupon Racket’s master proposed to bet something on that. The showman took the bet. Ten dollars were staked. The crowd all soon felt more interest in the fight to come off between the dog and the monkey than in any thing else. They all marched out to see it. The master of Racket grew uneasy lest it was a scheme to entrap him in damages. “But, suppose,” said he, “the dog kills the monkey; I am not to be held responsible, stranger, for the ‘varmint,’ am I?” “Oh, no,” said the showman. So, being satisfied on that point, he called up Racket. The people, coming out from under the canvas, formed a large and compact circle in the square where the fight was to come off. Racket stood in the middle of the dense crowd, pressing all round the open area, in seeming surprise at his situation, and wonder at what was going

to take place. In this position of affairs, the showman led "Dandy Jack" in, a way being opened for him. He held him by a chain, and led him up in the rear of Racket, who, gazing so intently on those in front of him, was paying but little attention to what was going on behind. As he was thus standing, and without further notice, "Dandy Jack" seized Racket's tail in his mouth and gave it a know-know or two, with his monkey jargon. Racket turned—saw what it was. But instead of making fight, with one yell and a bound, he cleared a way through or over the whole crowd in front of him, barking and yelling as he went—looking back—barking and yelling as far as he could be seen going up the road toward Athens. The crowd shouted, the welkin rung. The showman laughed. But no word for some time escaped from the loser of the ten dollars. He seemed deeply absorbed in thought. He had seriously feared that Racket would kill the monkey. As for the ten dollars, he had considered that made, certain. The result, so quickly over, and so contrary to his expectations, had completely astonished and bewildered him. He stood arms "a-kimbo," resting on his hips, looking at his dog as he ran. At length he said, partly to himself and partly to those who were laughing at him, "Who would have thought it?" But his troubles did not end there. The laugh at his expense and the loss of the ten dollars were not all. Racket was a favorite dog. He was a pet in the family. The evening came, but Racket did not return. Night came, and still he did not make his appearance. What had become of his dog he could not imagine. Had he lost his senses in fright, and run away altogether? He went out and whistled for him, and called him, saying, "Here, Racket; here, Racket. Come back, Racket; that — varmint is gone."

This story Dougherty used to tell with inimitable manner and almost incredible effect. Some who heard him tell it on first acquaintance would designate him, on speaking of him afterward, as the "Racket story man." Some called him "Racket."

Now the turn that Jenkins gave the story was this: In 1839, there was a temperance movement in the State known as the Flournoy Petition—not from Samuel W. Flournoy, of whom I wrote the other day, but Josiah Flournoy, of Putnam county, a man of great celebrity in his day. He was a man of good sense, good character, considerable wealth, and great energy. He became a sort of Peter the Hermit, in a crusade against tippling shops, and the retail system generally. He travelled in all sections of the State, addressed the people everywhere he went. Great multitudes came out to hear him. At one time, he seemed to be carrying every thing before him. He had a petition, which he got all to sign he could, to present to the next legislature, asking for a law to abolish the retail of ardent spirits in the State.

He made a great stir amongst the people. He got thousands upon thousands (exactly how many I do not now recollect) to sign his petition. Amongst others, Dougherty either signed it, or was

supposed to have signed it. He was a candidate for the legislature that year, as he had been for several years before, and had, I believe, never been beaten. But it was a wise piece of advice, that a minister of one of the monarchs of Sweden, is said to have given his sovereign some centuries ago—that was, “never to touch his people’s religion or their drink, if he would have an easy time on his throne.” Perhaps, if Dougherty had received this advice, or had known as much before he favored this petition as he did afterward, he never would have done it. How that may be I do not know. But so it was before the day of the election, the reaction in the popular mind against the petition was tremendous. In many counties it was a test question. It was so in Troup. The rights to drink as they pleased, and how they pleased, and when they pleased, as well as what they pleased, was one dearly cherished by his constituents. Much to his surprise and the regrets of his friends he was beaten on that question. He did not go down to Milledgeville that session as he had usually done for years. No one could have been more missed than he. For years he had been the soul of wit, fun, and humor. It seemed to his old associates that there could hardly be a session of the legislature without his presence. He was missed in the hall, missed at the hotel, but especially missed in social private circle that he used to light up and gladden with so much glee and mirth.

Amongst those old friends who had such a relish for his company and jokes, no one missed him more than Jenkins. He has some skill, too, in making as well as turning jokes himself. For it was in this way, and under these circumstances that the thoughts occurred to him to “Bucket Bob,” as he said. That is, he addressed him an anonymous letter, beginning thus: “Dear Racket—come back Racket, that varmint Flournoy, is gone.”

Dougherty got the letter, and understood its contents well, but missed his man. He supposed Crawford wrote it, and retaliated on him some months after in one of his happiest hits, if he had but hit his man. But this I cannot now give. Indeed, you are in a mood already to exclaim, I have no doubt, “what has all this to do with the Railroad?” why, nothing at all, I say, except to show something of the character of those who made it as well as those who tried to keep it from being made, that is all. Dull, dry history, of all things, is the dullest to me. Substantial facts in history are like the solid food for dinner. They are the essentials, without which the meal might as well be dispensed with, and yet a little seasoning, sauces, and “what nots,” a custard or even an *ice* cream occasionally, may come in the way very well in setting off an agreeable entertainment.

Now, therefore, after this digression, to return to the important facts in relation to the progress of the road, and how it made its way along after it was started. As I have stated, it may be proper to state that at first, that is, in 1836, its management was in-

trusted to one superintendent and engineer. Who the superintendent was I forget. But in 1837 this feature was changed—a board of commissioners was created. It consisted of three, chosen by the legislature. The first board consisted, I think, of Col. Samuel Farris, of Walker, Major Joel Crawford, and Col. Little, of Jackson. Col. Farris was senator from Walker, I believe, in 1836, and was a warm supporter of the road. Major Crawford went to Europe to procure a loan by a sale of State bonds, but met with poor success. In 1841 the board was abolished, and all the duties devolved upon a disbursing agent. In 1843 the entire management of the road was given to the governor, and one chief engineer, appointed by him. But all this, I suppose, you are more conversant with than I am. My last term in the legislature was in the Senate, in 1842. In 1843 I went to Congress, where I have been ever since. I was at Milledgeville that session, during the month of November, and watched with deep interest the progress of the idea started to abandon the road, and sell it. That was, as I have before stated, the most critical and important period in the road's history, except the time of its commencement. And, as I have mentioned so many persons who contributed their influence and aid in the legislature to its passage (I mean the House, for I have said nothing of the Senate), it occurs to me that I should not omit to mention one whom I have not yet named—that is John S. Lewis, now of Washington city—a clerk in the first auditor's office. He was then a member from Troup. He differed from his colleague, Dougherty. He was young and modest. He had graduated at our university some years before, with the first honor in his class. The only speech I remember his making, in 1836, was in favor of the charter of the Georgia Female College, of Macon—the first institution of the kind—a chartered college to confer degrees or diplomas on women, I believe, in the United States, or perhaps in the world. He distinguished himself on that occasion. He was then a lawyer, but subsequently abandoned the profession, and has been a clerk in Washington for more than ten years. I knew he was a zealous friend of the road, and I have heard him say that he drew the original bill. Mr. Gordon, I know, reported it. Lewis was not on the committee of internal improvement, but he has told me that the draft of the bill was committed to him, and he drew it. I mention this that honor may be given to whom honor is due. And now you must excuse me for one other personal incident. I intended to mention it at the proper place but forgot it; that is when I was referring to the character of Mr. Speaker Day. He was a man of unusual equanimity of temper, and acted with great impartiality during the debate on the road. His fairness and forbearance were proverbial, and though his decision was overruled by the House, no one doubted his strict uprightness of intention. Never was speaker more patient. On this quality or trait of his turns what I have to say. In Samuel W.

Flournoy's two days harangue, of which I spoke in my other letter, the House was frequently uproarious. It was with extreme difficulty that order could be preserved. But the speaker kept his temper throughout the whole. In the winding up of the session, as usual, there was also great confusion. But the speaker always kept his temper.

On the last night, Flournoy, in one of his sallies, by way of compliment to him, startled the House by the announcement of a proposition which he said he intended to move—that was to “amend the Bible.” He said, he intended at the proper time to move to strike out the word “*Job*” wherever it occurred in the good Book, and insert in its stead “*Joseph Day*.”

I will bore you no longer. My sincere wish is that you may be more successful in getting the information you desire from other sources than you have from me.

Yours, most respectfully,

ALEXANDER H. STEPHENS.

PROF. WILLIAM RUTHERFORD, JR., *Athens, Ga.*

SPEECH ON THE ADMISSION OF OREGON.

DELIVERED IN THE HOUSE OF REPRESENTATIVES,

FEBRUARY 12, 1859.

MR. SPEAKER: I do not know that I can say any thing that will add force to the argument already made in behalf of the admission of Oregon. It is my purpose, however, to contribute what I can to that end; and if I fail in my wish, it will be because my ability is not equal to my zeal. Apart from considerations of public duty and justice to the people claiming this admission, there is another consideration which enlists my entire energies for the bill; that, sir, is the opportunity it affords me, as a Southern man, and one acting with the democratic party, to show the groundlessness of the charge made last year, that we were in favor of putting one rule to a State applying with a slave-state constitution, and another and a more rigorous rule to a free-state application; that we required a larger population for the admission of a State not tolerating African slavery, than one permitting and allowing it. The gentleman from Ohio [Mr. STANTON], who has just taken his seat, has reasserted that charge, in substance. Sir, I repudiated it when it was first made, and I repudiate it now. The position of Kansas and that of Oregon are totally dissimilar; and whatever consideration of duty, looking to the peace and quiet of that country, as well as the general welfare, may have induced me and others to put the population restriction upon any future application from Kansas, like considerations of duty, of a higher character, acting

as we now are under existing obligations which we cannot ignore, forbid that the same representative ratio rule should be extended to Oregon. As I stated in my opening remarks, under existing compacts, under existing laws affirming and extending what all regarded as a most solemn compact, the ordinance of 1787, it is, in my judgment, a high obligation to admit Oregon so soon as she has sixty thousand inhabitants.

Now, sir, before going into that, I wish to reply to the gentleman from Ohio [Mr. STANTON], who has just taken his seat. If I understand him, and the gentleman from Massachusetts [Mr. GOOCH], who asked that significant question of the delegate from Oregon and senator elect: how he would vote in the Senate on the repeal of the population clause in the Kansas bill of last session? both of them would be willing to vote for the admission of Oregon, provided that representative ratio required of Kansas should be repealed. They occupy this strange position: because the democratic party did Kansas at the last session, as they assume, a wrong, they will do Oregon a like wrong at this session, by way of retaliation.

Mr. STANTON. The gentleman misunderstands me.

Mr. STEPHENS. I cannot be interrupted. I have heard the gentleman's argument; so has the House; and the gentleman and the House will hear mine. Let them stand together. I understand the minority of the committee on territories, with the gentleman from Pennsylvania [Mr. GROW] at their head, signify a like willingness.

Mr. GROW. No, sir; I stated distinctly that I would never go for the clause of the constitution I have indicated.

Mr. STEPHENS. Do not interrupt me. I state the gentleman's position as it appears in his minority report. The only thing he complains of in it is the discrimination, as he calls it, in the Kansas conference bill. The only amendment he proposes to this bill is a repeal of that. Not a word in his report against the obnoxious clause in the Oregon constitution against negro equality. That he passes over, and evidently seems to rest his entire opposition to this bill to the existing law in reference to Kansas. What has brought "this change over the spirit of his dream" I do not know. I am glad, however, to see that there is a number of the other side actuated by a more liberal, a juster, and a more magnanimous sentiment. They cannot see the logic, or the moral of the position of the gentleman from Pennsylvania; that because, in his assumption, this side of the House did wrong last session, therefore he will do wrong this. To the majority on that side, acting with the gentleman from Pennsylvania, I would put the question, how can two wrongs make a right? If it were granted that injustice was done Kansas, how can that be righted by repeating it toward Oregon? That side of the House will permit me to tell them that by their votes to-day they will spike every gun they have fired against the democratic party for their alleged injustice done to

Kansas. If the democratic party did wrong to Kansas (but I shall show that the cases are totally dissimilar), the republican party seems disposed to-day to follow suit, and do the same wrong they complain of to Oregon. If they are sincere in their belief, and not governed solely by opposition and antagonism, would it not be the wiser, the better, the nobler, and more statesmanlike course for them to come forward and set us an example of doing right, as the two gentlemen from Massachusetts [Mr. THAYER and Mr. COMINS] urged them yesterday?

But, sir, the cases are totally dissimilar; the clause in the Kansas compromise bill, refusing to hear any further application for admission from her in case of her declining to come into the Union under her then application, with the modification of her land proposition, which we submitted, until she had a population equal to the representative ratio, may, or may not have been right, according to the opinions of gentlemen. The policy of adopting such a general principle in all cases where it can be done, may, or may not be right, as gentlemen may vary in their opinions; but that question cannot arise in the case of Oregon. We are foreclosed on that point in the territorial organic act; and I appeal, not only to this side of the House, but to every side, and ask how they can get round that obligation in the territorial bill of Oregon, of 1848, which declares solemnly that all the guarantees, privileges, and rights secured to the people of the northwest territory, should be extended to the people of Oregon? The words of the act are:

"SEC. 14. *And be it further enacted*, That the inhabitants of said territory shall be entitled to enjoy all and singular the rights, privileges, and advantages, granted and secured to the people of the territory of the United States northwest of the river Ohio by the articles of compact contained in the ordinance for the government of said territory, on the 13th day of July, 1787, and shall be subject to all the conditions, restrictions, and prohibitions, in said articles of compact imposed upon the people of said territory."—*Statutes at Large*, volume 9, page 329.

And what were those rights and privileges guaranteed to the people in the northwest territory hereby secured and guaranteed to the people of Oregon? Here they are:

"And whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted by its delegates into the Congress of the United States on an equal footing with the original States, in all respects whatsoever; and shall be at liberty to form a permanent constitution and State government: *Provided*, The constitution and government so to be formed shall be republican, and in conformity to the principles contained in these articles; and so far as it can be consistent with the general interests of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than sixty thousand."—*Fifth Article Ordinance*, 1787, *Statutes at Large*, volume 1, page 53.

No such guarantee as this was ever given to the people of the territory of Kansas; if there had been, that representative-ratio feature could not have been put in the conference bill without a

violation of plighted faith. And is there any inconsistency on this side of the House in adopting the representative-ratio principle, wherever it can be done, and still maintaining good faith where previous obligations prevent? Oregon is the only territory to which this previous obligation to admit with sixty thousand inhabitants applies. Hers must be an exceptional case in any general rule that it may be deemed advisable to adopt for all the other territories for the future. Kansas stands in a position to take her place with all the others, except Oregon, without any just cause of complaint. Whether such general rule be wise and proper, is not now the question; nor whether its application to Kansas at the last session was right or wrong; the question before us at this time, is simply whether we will discharge an existing obligation?

The gentleman from Tennessee [Mr. ZOLLICOFFER], who made one of the minority reports, argues that the compact of 1787, extended to Oregon by act of 1848, was not in the nature of an engagement with the people of a territory, but with a State. The language, he says, is, "whenever any of said States," etc. Mr. Speaker, what makes a State? Is it boundary? is it limits? is it rivers? is it parallels of latitude? Sir, people make States. His argument, to my mind, has no force. The territory was defined, and the compact entered into with the people, with the inhabitants; and that compact was, that as soon as they had sixty thousand free inhabitants, they were to be entitled to admission as a State; and further, so far as it can be consistent with the general interest, such admission shall be allowed with a less number than sixty thousand inhabitants. There is no escape from this; nor are we without some lights as to a proper construction of these words. It is the same identical guarantee that was extended to Tennessee in 1790; and how was this language interpreted by those who made the compact? How was it construed by the great lights of the old republican party? This identical question came up on the admission of Tennessee, the gentleman's own State.

The debate on that question was referred to yesterday. There is no dodging the question—no evading it. The question here, so far as population is concerned, is the same as that on the admission of Tennessee. The only fact in issue now before us, is the fact that was in issue then. It is not whether the proposed State has ninety thousand or one hundred thousand, but simply whether it has sixty thousand inhabitants. I will not go over the argument to show that it has. I am satisfied that there are over sixty thousand inhabitants in Oregon. I am well satisfied, from the evidence I cited the other day, that there are over one hundred thousand. There were forty-three thousand and upward in 1855, as shown by an imperfect census. Five years before there were only ten thousand. In five years they had increased four-fold. With a proportionate increase there would be now one hundred and thirty thousand and upward. But even suppose the increase

had been partially retarded; the other evidence shows there must be over one hundred thousand. The official report shows personal property to the amount of \$22,000,000. Suppose the people of Oregon to be worth \$200 *per capita* of personal property—which is more than any State in the Union—there would be one hundred and ten thousand inhabitants. I think the *per capita* estimate of personal property at \$200 is too high for Oregon. In Georgia, where the wealth *per capita* is greater, as I showed the other day, than in any other State in the Union, it is, including real and personal estate together, \$534 for the entire population. The average in the United States is something over \$350. Place it at \$150 in Oregon for personal property alone (for they own no real estate there—no land patents have yet issued), and the population will be over one hundred and thirty thousand. These facts satisfy me that there are more than one hundred thousand people there. No man can doubt, it seems to me, that there are over sixty thousand; and that is the question.

Then, sir, in the debate referred to on the admission of Tennessee, what said Mr. Madison on that point?

“The fact of population was the only necessary one; and would gentlemen be satisfied with no other method of ascertaining it but such as they themselves should direct?”

He went on:

“If there were the stipulated number of inhabitants, that territory could not be denied its claim of becoming a State of the Union without a violation of rights.”

Again, he says that—

“He himself has no doubt on the subject; the evidence was sufficient and satisfactory.”

And again he said:

“But he thought, where there was a doubt, Congress ought to lean toward a decision which would give equal rights to every part of the American people.”

He said there was no doubt on his mind that there were sixty thousand people there; and that, under the compact, they were bound, from all the facts he could gather, to admit the State.

How can gentlemen escape that? Mr. Macon, a gentleman who occupied a high position in the republican party of that day—not the party of modern republicans, but of good old republicans of the Jeffersonian school—one of the shining lights of the House, whose name will go down to history and live as long as the names of the founders of the republic, said:

“The question before the committee was on admitting the territory to be a State in the Union. There appeared to him only two things as necessary to be inquired into. First, was the new government republican? It appeared to him to be so. Second, were there sixty-thousand inhabitants in the territory? It appeared to him there were; and if so,

their admission as a State should not be considered as a gift, but as a right."

Again, Mr. Gallatin said he—

Was of opinion that the people of the southwestern territory became *ipso facto* a State the moment they amounted to sixty-thousand free inhabitants; and that it became the duty of Congress, as part of the original compact to recognize them as such, and to admit them into the Union, whenever they had satisfactory proof of the fact."

I cannot dwell on this branch of the subject. It is no question of ninty-three thousand here. It is no question of what is the ratio in other territories. It is no question of Kansas discrimination. It is the simple, naked question of fulfilling obligations. That is the whole of it. I have no doubt that she has sixty-thousand; and every man upon this floor so believing, according to this authority, is bound to vote for her admission. Will you do it?

But the gentleman from Ohio [Mr. STANTON] complains of the constitution of Oregon. He complains of that article which denies political equality to the African race; to that part which excludes negroes from voting; which prevents them from exercising the rights of citizenship; especially that which denies them the right to maintain an action in their courts. The Topeka constitution of Kansas, which that gentleman favored in 1856, excluded free negroes entirely from the territory of Kansas.

Mr. GROW. I will correct the gentleman. The Topeka constitution did not exclude free negroes from Kansas; but the question was submitted to the people, as instructions to the legislature, to pass an act of that character.

Mr. STEPHENS. And a large majority of the gentleman's friends who adopted the constitution, voted to give the instructions.

Mr. GROW. I make no point upon that.

Mr. STEPHENS. And those who profess to be the exclusive friends of negroes, as they now do, so far as that constitution was concerned, voted to banish them forever from the State, just as Oregon has done. Whether this banishment be right or wrong, it is no worse in Oregon than it was in Kansas. But, on the score of humanity, we of the South do not believe that those who, in Kansas or Oregon, banish this race from their limits, are better friends of the negro than we are, who assign them that place among us to which by nature they are fitted, and in which they add so much more to their own happiness and comfort, besides to the common well-being of all. We give them a reception. We give them shelter. We clothe them. We feed them. We provide for their every want, in health and in sickness, in infancy and old age. We teach them to work. We educate them in the arts of civilization and the virtues of Christianity, much more effectually and successfully than you can ever do on the coasts of Africa. And, without any cost to the public, we render them useful to themselves and to the world. The first lesson in civili-

zation and Christianity to be taught to the barbarous tribes, wherever to be found, is the first great curse against the human family—that in the sweat of their face they shall eat their bread. Under our system, our tuition, our guardianship and fostering care, these people, exciting so much misplaced philanthropy, have attained a higher degree of civilization than their race has attained anywhere else upon the face of the earth. The Topeka people excluded them; they, the like neighbors we read of, went round them; we, the like good Samaritans, shun not their destitution or degradation—we alleviate both. But let that go.

Oregon has, in this matter, done no worse than the gentleman's friends did in Kansas. I think she acted unwisely in it—that is her business, not mine. But the gentleman from Ohio [Mr. STANTON] questions me, how could a negro in Oregon ever get his freedom under the constitution they have adopted? I tell him, under their constitution a slave cannot exist there. The fundamental law is against it. But, he asks, how could his freedom ever be established, as no free persons of color can sue in her courts? Nether can they in Georgia; still our courts are open to this class of people, who appear by *prochein ami* or guardian. Nor is there any great hardship in this; for married women cannot sue in their own names anywhere where the common law prevails. Minors also have to sue by guardian or next friend. We have suits continually in our tribunals by persons claiming to be free persons of color. They cannot sue in their own names, but by next friend. They are not citizens; we do not recognize them as such; but still the courts are open; and just so will they be in Oregon, if the question is ever raised.

Mr. REAGAN. By the laws of Texas, free negroes are prohibited from residing in that State, and hence have no right to sue in her courts; and yet the courts there have entertained jurisdiction of suits for the liberation of free negroes, and I have assisted in the prosecution of such suits, in which they were declared free under writs of *habeas corpus*.

Mr. STEPHENS. I understand the gentleman to say that the constitution of Texas is similar to this, and yet that her courts are opened just as I stated in reference to Georgia; and that he himself has assisted free negroes in the courts of Texas to obtain their rights. There can be no difficulty upon that score. Let me say to gentlemen on the other side of the House, not to lay the flattering unction to their souls that they can escape by such a pretext as that.

But it was intimated by the gentleman from Ohio, that last year we voted to admit Kansas as a slave State with a view of getting two democratic senators, and that our object is the same now in regard to Oregon. Sir, in this he is mistaken. We stood then, as now, upon principle. Had Kansas been admitted under the Lecompton constitution, all of us knew that the probabilities were, that two republican senators would have been

elected. Nor was the large democratic vote in the Senate, soon after, upon this bill for the admission of Oregon, based upon any such idea as he intimated. It could not have been. When this bill passed the Senate, it was not known what sort of senators would be elected there, any more than it was as to Kansas. The election in Oregon had not been heard from. It was a hot contest. And at the election which afterward came off, the member who was returned to this House, was elected by only sixteen hundred majority.

Under these circumstances, how can the gentleman attribute such motives to the action of democratic senators? Where is the slightest evidence for such an imputation? Maybe the gentleman attributes to others the motives by which he himself is governed—that is, a wish to bring in the State under political auspices favorable to his own view of public policy. Maybe he thinks, by rejecting this constitution, the State may come in under a republican instead of a democratic banner; for he said her admission was only a question of time. I will not say that this is his object in opposing this bill; but I do say, for myself, that I am governed by no such motives as he has intimated. I will vote, whenever a State comes here with a constitution republican in form, and with an obligation resting upon me to vote for her admission, as this does, for her admission, irrespective of what may be the political cast of her senators and members elect. I will never do wrong that right may afterward come from it. Wrong does not produce such fruits. What you plant and sow, that you reap. I will never commit an acknowledged error, hoping that good will come of it. Good ends never justify wrong means, according to my code of morals. Honesty is the best policy in all things. Perhaps most of those on the other side of the House who go against this bill, do so barely to be in opposition. To such I would say, what I once said to a gentleman in my district. When I was going to address the people at a particular place, meeting him on the way, I asked him if he was going up to the court house? He said no; that I was going to speak, and that he only wanted to know what side I was upon to be against it. I said “that is the reason you are always in the minority; you give me choice of sides upon all questions, and of course I take the best.” [Laughter.] Would it not be well for gentlemen on that side to consider the point, barely as a matter of political or party tactics? That gentleman was so well pleased with the remark that he went and heard me on the occasion alluded to, and from that day to this has never failed to vote for me. If the opposite side will allow me, I will say to them it is bad policy in any party to oppose every thing barely for opposition sake. Let me entreat them not to oppose this bill—as some of them do, I fear—barely because democrats vote for it. By this course, you give us choice of sides in a great issue of right.

One word further upon another subject, and I call the special

attention of the House to it. It is the objection raised to the constitution of Oregon on account of the alien suffrage feature in it. The gentleman from Tennessee, [Mr. ZOLLICOFFER,] in his report, quotes a part of the decision of the Supreme Court, bearing upon the constitutional power of a State so to regulate suffrage within her own limits, but stops right in the middle of a sentence. I will read first the extract quoted by the gentleman—italics his—and then read the whole sentence, as it stands in Chief Justice Taney's decision in the Dred Scott case:

"The constitution has conferred on Congress the right to establish a uniform rule of naturalization, and this right is evidently *exclusive*, and has always been held by this court to be so. Consequently, no State, since the adoption of the constitution, can, by naturalizing an alien, invest him with the *rights and privileges secured to a citizen of a State under the Federal government*," etc.

There the gentleman stops, with the sentence unfinished, at a comma. The Chief Justice goes right on with these words—

"although so far as the State alone was concerned, he would undoubtedly be entitled to the rights of a citizen, and clothed with all the rights and immunities which the constitution and laws of the State attached to that character."

In this the Supreme Court says, and says truly, that no State can make an alien by birth a citizen of the United States—that is the exclusive right of Congress; but that each State may clothe an alien with all the privileges and rights they see fit, within their own jurisdiction and limits. The right of suffrage, the right to declare who shall vote at elections, is expressly reserved in the constitution of the United States to each State. This government cannot interfere with that power. It is the last right I would have the States to surrender; for upon it rest all the great bulwarks of State rights; and, should it ever be surrendered, no vestige of State rights would remain.

Mr. ZOLLICOFFER. The comments of the gentleman from Georgia upon that portion of my report would produce the impression that I have acted unfairly.

Mr. STEPHENS. I do not say that. I cannot, however, be interrupted. I have barely time sufficient—

Mr. ZOLLICOFFER. But let me make this statement. I will not be two minutes.

Mr. STEPHENS. Be brief. I will give you two minutes, but no more.

Mr. ZOLLICOFFER. I was enforcing the position, as asserted by the court, that a State could not confer upon unnaturalized foreigners the rights of citizenship, so far as the Federal government was concerned; and, therefore, I quoted only that portion of the sentence found in the decision, which showed that to be the position of the court. That portion of the sentence is this—

Mr. STEPHENS I cannot yield any further. I have already read it.

Mr. ZOLLICOFFER. Let me add the single remark that, in my report, I distinctly concurred with the court in the remaining portion of that sentence; that so far as "the State *alone* was concerned," the State had the right to confer rights of citizenship upon unnaturalized foreigners.

Mr. STEPHENS. It would have been much better understood, if the gentleman had quoted the whole of it, and given his concurrence in the whole as it stands. And I must be permitted to say, that in concurring in the whole of that decision as it stands, he yields the whole question. If a State has the right to confer upon aliens all the rights of its own citizens, so far as she is concerned, certainly the right of suffrage is included.

Mr. ZOLLICOFFER. That is, so far as the State alone is concerned.

Mr. STEPHENS. Exactly. The State has the exclusive control of the right of suffrage within her limits and under her laws, according to the decision of the Supreme Court. She can say who may vote for all her officers; who for governor and who for her State Senate and who for her House of Representative; and then the constitution of the United States expressly provides that the members of this House shall be chosen or voted for by those in each State who, by the constitution and laws of each State, are entitled to vote for the most numerous branch of the State legislature. In admitting that each State may allow an alien to vote for members of the most numerous branch of their own legislature, the gentleman yields this entire question. The language in Chief Justice Taney's decision immediately preceding that quoted by the gentleman in his report, is in these words:

"Nor have the several States surrendered the power of conferring these rights and privileges, by adopting the constitution of the United States. Each State may still confer them upon an alien, or any one it thinks proper, or upon any class or description of persons; yet he would not be a citizen in the sense in which that word is used in the constitution of the United States, nor entitled to sue as such, in one of its courts, nor to the privileges and immunities of a citizen in the other States. The rights which he would acquire would be restricted to the State which gave them."

Then comes the gentleman's quotation. And from the whole, the principle is clear, that each State may, if she chooses, confer the right of citizenship within her own limits and jurisdiction, upon an alien. But, without naturalization under the laws of the United States, this will not give him the right of citizenship in any respect outside of that State. In it, his rights of citizenship may be as full and complete as those of the native born.

But I did not intend to argue this point. I did that at the last session, on the Minnesota bill. In that argument, I gave the history of this question of alien suffrage in the territories. I have nothing to add to what I then said. I barely refer to it now, that it may be considered as part and parcel of what I

would say on the same points, if my time allowed, to-day. Of the Presidents who, in some form or shape, had given the principle their sanction, either in the territories or States, on their admission, I named Washington, the elder Adams, Jefferson, Madison, Jackson, Polk, Fillmore, and Pierce; and to this list may now be added that of Buchanan, who signed the Minnesota bill.

My colleague [Mr. HILL] yesterday alluded to what Mr. Calhoun said on the subject in 1836. I commented upon that, last year. I could not find that speech of Mr. Calhoun in the *Globe*, or any parliamentary record in the country. I do not mean to say that he did not make it. It was not made upon the admission of Michigan. It was made, if at all, when a measure was up involving the question of suffrage in the territory, while Michigan was still in a territorial condition. The speech is said to have been made in 1836. Michigan was not admitted until 1837. Her constitution was similar in this respect to that of Oregon. Mr. Calhoun was then in the Senate; he did not raise his voice against that feature in it, as far as I have been able to find. Not a word fell from him, at that time, on the subject of alien suffrage, that I am aware of.

Mr. ZOLLICOFFER. Allow me one sentence.

Mr. STEPHENS. I cannot yield.

Mr. ZOLLICOFFER. Allow me but a single sentence: that sentence is, that I should labor under great disadvantage, if the gentleman were even disposed to extend to me the courtesy of allowing me to reply to his points while he holds the floor. Therefore, I will not at present ask to do so.

Mr. STEPHENS. That I understand very well. The gentleman can reply hereafter. My time will not allow me to indulge him now. I made the speech I have referred to last year, expecting that it would be replied to; but it remains yet without reply. And I cannot permit my time to-day to be taken up with matters there disposed of.

Mr. HILL. Let me ask my colleague a question. Is he not aware of the votes given by Mr. Calhoun, on the Michigan bill, against permitting alien suffrage in that State. It was on the motion of Mr. Clay.

Mr. STEPHENS. What year?

Mr. HILL. In 1836.

Mr. STEPHENS. Yes; I know of his votes alluded to in 1836. Michigan was then a territory. I repeat again, that on the admission of Michigan as a State next year, Mr. Calhoun said nothing against the alien suffrage feature in her State constitution, that I know of. He may still have been against it.

But one word further in reply to my colleague, as to Mr. Calhoun's position on this subject. Whatever he may have said on it, or however he may have voted on it in 1836, yet in 1848, he was on the committee that reported the celebrated Clayton compromise, which provided a government for this very

territory of Oregon, and that bill contained this very alien suffrage clause in it. Mr. Calhoun voted for the bill with this clause in it in the Senate. I have the record by me. It is not of so much importance what he said or how he voted in 1836, when the question was first started, as how he voted twelve years afterward, and after mature investigation. Here is his vote in 1848. I put that against his speech and his vote in 1836, and let all go to the country with my colleague's comments. I shall be content.

Now, Mr. Speaker, on another and entirely different aspect of this question, I have something special to say to another side of the House—a distinct class in it. I mean the members coming from slaveholding States. There is evidently a feeling of opposition in that quarter to the admission of Oregon, from a reluctance and manifest indisposition to increase the number of what are called free States. This arises from an apprehension that, with the loss of the balance of power, the rights of our section upon constitutional questions will be less secure. This may be so. It does not, however, necessarily follow. But that balance is already gone—lost by causes beyond your or my control. There is no prospect of its ever being regained; and, in taking that ground, you do but reverse the position of our sectional opponents on the other side of the House. I know it is the tendency of power to encroach; but let us look to the security which rests upon principle, rather than upon numbers. The citadel of our defence is principle sustained by reason, truth, honor, and justice. Let us therefore do justice, though the heavens fall.

Let us not do an indirect wrong, for fear that the recipient from our hands of what is properly due will turn upon us and injure us. Statesmen in the line of duty should never consult their fears. Where duty leads, there we may never fear to tread. In the political world, great events and changes are rapidly crowding upon us. To these we should not be insensible. As wise men, we should not attempt to ignore them. We need not close our eyes, and suppose the sun will cease to shine, because we see not the light. Let us rather, with eyes and minds wide awake, look around us and see where we are, whence we have come, and where we shall soon be, borne along by the rapid, swift, and irresistible car of time. This immense territory to the west has to be peopled. It is now peopling. New States are fast growing up; and others, not yet in embryo, will soon spring into existence. Progress and development mark every thing in nature—human societies, as well as every thing else. Nothing in the physical world is still; life and motion are in every thing: so in the mental, moral, and political. The earth is never still. The great central orb is ever moving. Progress is the universal law governing all things—animate as well as inanimate. Death itself is but the beginning of a new life in a new form. Our government and institutions are subject to this all pervading power.

The past wonderfully exemplifies its influence, and gives us some shadows of the future.

This is the sixteenth session that I have been here, and within that brief space of fifteen years, we have added six States to the Union—lacking but one of being more than half of the original thirteen. Upward of twelve hundred thousand square miles of territory—a much larger area than was possessed by the whole United States at the time of the treaty of peace in 1783—have been added to our domain. At this time the area of our republic is greater than that of any five of the greatest powers in Europe all combined; greater than that of the Roman empire in the brightest days of her glory; more extensive than were Alexander's dominions when he stood on the Indus, and wept that he had no more worlds to conquer. Such is our present position; nor are we yet at the end of our acquisitions.

Our internal movements, within the same time, have not been less active in progress and development than those external. A bare glance at these will suffice. Our tonnage, when I first came to Congress, was but a little over two million; now it is upward of five million, more than double. Our exports of domestic manufactures were only eleven million dollars in round number; now they are upward of thirty million. Our exports of domestic produce, staples, etc., were then under one hundred million dollars; now they are upward of three hundred million! The amount of coin in the United States, was at that time about one hundred million; now it exceeds three hundred million. The cotton crop then was but fifty-four million; now it is upward of one hundred and sixty million dollars. We had then not more than five thousand miles of railroad in operation; we have now not less than twenty-six thousand miles—more than enough to encircle the globe—and at a cost of more than one thousand million dollars. At that time, Professor Morse was engaged in one of the rooms of this Capitol in experimenting on his unperfected idea of an electric telegraph—and there was as much doubt about his success, as there is at present about the Atlantic cable—but now there are more than thirty-five thousand miles in extent of these iron nerves sent forth in every direction through the land, connecting the most distant points, and uniting all together as if under the influence of a common living sensorium. This is but a glance at the surface; to enter within and take the range of other matters—schools, colleges, the arts, and various mechanical and industrial pursuits, which add to the intelligence, wealth, and prosperity of a people, and mark their course in the history of nations, would require time; but in all would be found alike astonishing results.

This progress, sir, is not to be arrested. It will go on. The end is not yet. There are persons now living who will see over a hundred million human beings within the present boundaries of the United States, to say nothing of future extension, and per-

haps double the number of States we now have, should the Union last. For myself, I say to you, my southern colleagues on this floor, that I do not apprehend danger to our constitutional rights from the bare fact of increasing the number of States with institutions dissimilar to ours. The whole governmental fabric of the United States is based and founded upon the idea of dissimilarity in the institutions of the respective members. Principles, not numbers, are our protection. When these fail, we have, like all other people, who, knowing their rights, dare maintain them, nothing to rely upon but the justice of our cause, our own right arms and stout hearts. With these feelings and this basis of action, whenever any State comes and asks admission, as Oregon does, I am prepared to extend her the hand of welcome, without looking into her constitution futher than to see that it is republican in form upon our well-known American models.

When aggression comes, if come it ever shall, then the end draweth nigh. Then, if in my day, I shall be for resistance, open, bold, and defiant. I know of no allegiance superior to that due the hearthstones of the homestead. This I say to all. I lay no claim to any sentiment of nationality not founded upon the patriotism of a true heart, and I know of no such patriotism that does not centre at home. Like the enlarging circle upon the surface of smooth waters, however, this can and will, if unobstructed, extend to the utmost limits of a common country. Such is my nationality—such my sectionalism—such my patriotism. Our fathers of the South joined your fathers of the North in resistance to a common aggression from their fatherland; and if they were justified in rising to right a wrong inflicted by a parent country, how much more ought we, should the necessity ever come, to stand justified before an enlightened world, in righting a wrong from even those we call brothers. That necessity, I trust, will never come.

What is to be our future, I do not know. I have no taste for indulging in speculations about it. I would not, if I could, raise the veil that wisely conceals it from us. "Sufficient unto the day is the evil thereof," is a good precept in every thing pertaining to human action. The evil I would not anticipate; I would rather strive to prevent its coming; and one way, in my judgment, to prevent it, is, while here, in all things to do what is right and proper to be done under the constitution of the United States; nothing more, and nothing less. Our safety, as well as the prosperity of all parts of the country, so long as this government lasts, lies mainly in a strict conformity to the laws of its existence. Growth is one of these. The admission of new States is one of the objects expressly provided for. How are they to come in? With just such constitutions as the people in each may please to make for themselves, so it is republican in form. This is the ground the South has ever stood upon. Let us not abandon it now. It is founded upon a principle planted

in the compact of Union itself; and more essential to us than all others besides; that is, the equality of the States, and the reserved right of the people of the respective States. By our system, each State, however great the number, has the absolute right to regulate all its internal affairs as she pleases, subject only to her obligations under the constitution of the United States. With this limitation, the people of Massachusetts have the perfect right to do as they please upon all matters relating to their internal policy; the people of Ohio have the right to do the same; the people of Georgia the same; of California the same; and so with all the rest.

Such is the machinery of our theory of self-government by the people. This is the great novelty of our peculiar system, involving a principle unknown to the ancients, an idea never dreamed of by Aristotle or Plato. The union of several distinct, independent communities upon this basis, is a new principle in human governments. It is now a problem in experiment for the people of the nineteenth century upon this continent to solve. As I behold its workings in the past and at the present, while I am not sanguine, yet I am hopeful of its successful solution. The most joyous feeling of my heart is the earnest hope that it will, for the future, move on as peacefully, prosperously, and brilliantly, as it has in the past. If so, then we shall exhibit a moral and political spectacle to the world something like the prophetic vision of Ezekiel, when he 'saw a number of distinct beings or living creatures, each with a separate and distinct organism, having the functions of life within itself, all of one external likeness, and all, at the same time, mysteriously connected with one common animating spirit pervading the whole, so that when the common spirit moved they all moved; their appearance and their work being, as it were, a wheel in the middle of a wheel; and whithersoever the common spirit went, thither the others went, all going together; and when they went, he heard the noise of their motion like the noise of great waters, as the voice of the Almighty. Should our experiment succeed, such will be our exhibition—a machinery of government so intricate, so complicated, with so many separate and distinct parts, so many independent States, each perfect in the attributes and functions of sovereignty, within its own jurisdiction, all, nevertheless, united under the control of a common directing power for external objects and purposes, may natural enough seem novel, strange, and inexplicable to the philosophers and crowned heads of the world.

It is for us, and those who shall come after us, to determine whether this grand experimental problem shall be worked out; not by quarrelling amongst ourselves; not by doing injustice to any; not by keeping out any particular class of States; but by each State remaining a separate and distinct political organism within itself—all bound together for general objects, under a common Federal head; as it were, a wheel within a wheel. Then the

number may be multiplied without limit ; and then, indeed, may the nations of the earth look on in wonder at our career ; and when they hear the noise of the wheels of our progress in achievement, in development, in expansion, in glory, and renown, it may well appear to them not unlike the noise of great waters ; the very voice of the Almighty—*Vox populi! Vox Dei!* [Great applause in the galleries, and on the floor.]

The SPEAKER. If the applause in the galleries is repeated, the Chair will order the galleries to be cleared.

Many MEMBERS. It was upon the floor.

MR. STEPHENS. One or two other matters only I wish to allude to. These relate mainly to amendments. I trust that every friend of this bill will unite and vote down every amendment. It needs no amendment. Oregon has nothing to do with Kansas, and should in no way be connected with her. To remand her back, as the gentleman from Kentucky [Mr. MARSHALL] proposes, to compel her to regulate suffrage as we may be disposed to dictate, would be but going back to the old attempt to impose conditions upon Missouri. There is no necessity for any census, if we are satisfied, from all the evidence before us, that there are sixty thousand inhabitants there. Florida was admitted without a census. Texas was admitted, with two members on this floor, without a census. So was California.

To our friends upon this side of the House, let me say, if you cannot vote for the bill, assist us in having it voted upon as it is. Put on no riders. Give us no side blows. Aid in keeping them off. Let the measure stand or fall upon its merits. If you cannot vote for the bill, vote against it just as it stands.

I see my time is nearly out, and I cannot go into the discussion of other branches of the question, but may I not make an appeal to all sides of the House to come up to do their duty to-day? I have spoken of the rapid development of our country and its progress in all its material resources. Is it true that the intellectual and moral development of our country has not kept pace with its physical? Has our political body outgrown the heads and hearts of those who are to govern it? Is it so, that this Thirty-fifth Congress is unequal to the great mission before it? Are we progressing in every thing but mind and patriotism? Has destiny cast upon us a heavier load of duty than we are able to perform? Are we unequal to the task assigned us? I trust not. I know it is sometimes said in the country that Congress has degenerated. It is for us this day to show whether it is true or not. For myself, I do not believe it. It may be that the *esprit du corps* may have some influence on my judgment. Something may be pardoned to that. But still I feel that I address men of as much intelligence, reflection, talent, integrity, virtue, and worth, as I have ever met in this hall ; men not unfit to be the representatives of this great, growing, and prosperous confederacy. The only real fitness for any public station is to be

up to the requirements of the occasion, whatever that be. Let us, then, vindicate our characters as fit legislators to-day; and, with that dignity and decorum which have so signally marked our proceedings upon other great, exciting questions before, and which, whatever may be said of our debates, may be claimed as a distinguished honor for the present House of Representatives, let us do the work assigned us with that integrity of purpose which discharges duty regardless of consequences, and with a patriotism commensurate with the magnitude of the subject under all its responsibilities.

FAREWELL SPEECH OF HON. A. H. STEPHENS.

DELIVERED IN AUGUSTA, GEORGIA, ON SATURDAY, JULY 2, 1859.

Mr. President, Gentlemen of the Committee, and Respected Auditory:

For this demonstration, on my retiring from public life, I return you my unaffected and unfeigned thanks. The circumstances attending it—this imposing assembly—consisting, not only of so large a number of voters of the district, but of so many of the fair of the land—the mothers and daughters, who give honor by their presence—are well calculated greatly to enhance its appreciation. It is not every one who has been in public life so long as I have, that has been so fortunate as to receive such a compliment at its close. It was not an uncommon event amongst the ancients for public men to be ostracised and exiled, even by those who had elevated them to places of trust and distinction. But the testimonial now tendered comes not exclusively from that class of my constituents. This may, perhaps, be owing more to personal than to public considerations. Be that as it may, however, let this manifestation of regard shown to me here, without distinction of party, by the generous and liberal-minded citizens of this enterprising and flourishing city—distinguished alike for intelligence, urbanity, and public spirit, spring from whatever motive it may, of this you may be assured, one and all, I feel it most profoundly, and make my acknowledgments most sincerely and gratefully. Whether merited or not, it is more than I expected. It is much more than I desired.

Having entered public life reluctantly, without any selfish motives, and without any object of personal ambition or aggrandizement, I should have preferred, when the state of affairs favored my leaving it, to go quietly into that retirement so much more congenial to my nature, without any other record of approval of my conduct to bear with me than that of my own

judgment, and the consciousness of having, on all occasions and on all questions, endeavored to discharge my duty faithfully and with an eye single to the maintenance of your rights and the advancement of the general public weal.

As you chose that it should be otherwise, I could not, in consideration of the relations we have borne toward each other, as representative and constituents, decline a compliance with your request. And it is due to you, in candor, to say that, so far as personal gratification is concerned, this display does, in some measure, compensate for the labor, toil, sacrifice, and wear and tear of body and mind, ever attendant on him who undertakes to watch over, guard, and protect the public interests.

The occasion itself naturally suggests feelings of regret, as all partings do—the severance of ties so long binding us together in relations of such confidence and responsibility, is not unlike the severance of other ties that link the tenderest attachments of nature. I find, however, other matters of thought and reflection which prompt emotions of a different character from those which usually attend ordinary separations and final adieus. Some of these it may not be inappropriate to mention. Not exactly, then, do I feel like one who is about to take his departure from home, from friends, from all he holds dear, with doubt and uncertainty whether he shall ever meet them again; but rather as the weather-beaten mariner, who has successfully passed the perils of his last of many dangerous voyages, over and across the mighty deep, hails, with elated heart and inward rejoicing of spirit, his home-haven finally reached in safety, never to encounter ocean-storms and tempests or troubled waters more. Thus I feel

Politics is indeed a rough and uncertain sea, abounding in uncertain and dangerous elements—elements which, however still and quiet they may now be, are always fierce and portentous when fully aroused; and perhaps they were never, in our history, lashed into greater fury than they have been repeatedly during the period of my service. The shattered fragments, “*disjecta membra*,” of many a gallant bark, oft have been seen adrift on either side, borne along by the currents in their resistless way; and many noble true-hearted comrades have been seen “*rari nantes in gurgite vasto*.” Is it not natural, then, that I should now, in contemplating the past, feel a deep personal gratification that I was so fortunate as to surmount these perils, pass securely these risks and hazards, not only without a wreck, a founder, or a stranding, but without the loss of a mast or single spar? For this I am indebted to your generous confidence.

But there is another reflection far more important, and, doubtless, much more interesting to you, as well as more gratifying to myself—that is, that I leave the country not only in as good, but in a better condition than I found it. Whatever dangers may have threatened us, the republic has sustained no serious detriment, either in her material resources, intellectual advancement,

social condition, or political status. On the contrary, with whatever short-comings there may have been, in that fuller development, that might have been attained in some of these particulars, yet, on the whole, her progress in each for the better, has been most marked and unprecedented. This is true of the whole country, as well as of each of the parts separately, and especially of our own State.

Contrast, for a moment, in your minds, the condition of Georgia, physically and intellectually, in 1836, when I first entered the legislature, with her condition now. The change seems almost equal to the works of magic. Passing by those material developments which have given us the honor of being styled the Empire State amongst our sisters of the South, take but a glance in another department—that which embraces higher and nobler improvements. Then, there was but one college in the State, and that, for the education of men. Now, we have five times that number, of the same character. Then, there was not in the State, or in the world, I believe, a single chartered university for the education and regular graduation of women; I mean such as conferred the usual college degrees. The Georgia Female College, at Macon, incorporated in 1836, with such objects, purposes, and powers, I believe, was the first of its kind anywhere. The movement at the time was the occasion of amusement to some. I may be pardoned in this presence, in saying that it met my warm support. The experiment proving successful beyond the expectation of its most sanguine friends, the example became contagious—not only in our own State, but in adjoining States—and we now have a perfect galaxy of these brilliant luminaries, sending forth their cheering beams in every direction, like new stars in the firmament above, just brought into existence in the progress of creation. Whatever honor, therefore, Georgia is entitled to for her other great works of improvement and achievement; and however broad, massive, and substantial the materials may be that enter into the monument reared to her fame; and however high they may be piled up, let this still be at the top, the filling and crowning point of her glory, that she took and holds the lead of all the world in female education.

In a national point of view, our progress has also been great. Vast territories have been added to our limits. Our trade, our commerce, our manufactures, our exports and imports, have been more than trebled. History furnishes no equal to it in the annals of nations. All those great sectional questions which so furiously in their turn agitated the public mind, foreboding disaster, and which, from my connection with them, caused me to remain so long at the post you assigned me, have been amicably and satisfactorily adjusted, without the sacrifice of any principle, or the loss of any essential right. At this time, there is not a ripple upon the surface. The country was never in a profounder quiet, or the people, from one extent of it to the other, in a more per-

fect enjoyment of the blessings of peace and prosperity secured by those institutions, for which we should feel no less grateful than proud. It is at such a time, and with these views of its condition, that I cease all active connection with its affairs.

In reference to those agitations, and the questions giving rise to them, and my conduct on them, which you have been pleased to speak of in terms of such high commendation, I ask your indulgence only to say a few things, and these few only as of matters that are past. They were questions of no ordinary magnitude; they were vital in their character; they oppressed me with the most anxious care—with the heavy weight of the most intense sense of responsibility—and the more so as they subjected me, on several occasions, to the most trying of all political ordeals—the separation in action from old allies and old friends.

The first of these was the annexation of Texas. This arose on my entrance into Congress. It was to me a new field and a new theatre. It requires an effort, at this time, to recall the scenes of that day—the arguments for and against—the passions and prejudices that were aroused on both sides. The public mind was perhaps never before more thoroughly excited. It was my fortune, with a few others, to differ, not only from our own party friends, but from a majority of those on the other side. We were for the measure. We believed it to be constitutional and advantageous, notwithstanding the contrary judgment and the fearful consequences predicted by many sages in council, in whose wisdom and patriotism we had ever confided. We were for it, however, only on condition that the rights of the South should be settled and guaranteed in the bonds of union. In this position, we held the balance of power in the House; and it was not until various other propositions, which left these points open, were voted down—we voting with the general opponents of the measure on them, that ours, which secured the existing guarantee for four slave States, to be carved out of the territory and admitted into the Union, if the people should present such constitutions, on their application for admission, was taken up and passed by the general friends of the measure. The true history of these resolutions has never been given. Colonel Benton, in his "Thirty Years' View," quotes them at length, and says that they were introduced at an early day of the session. He says they "were sent down from the State department." In this he makes one of his flings at Mr. Calhoun, who was then at the head of that department. This is, in every essential particular, a mistake. These resolutions were not introduced at an early day of the session. Congress met on the 2d day of December, 1844; on the 12th of that month, Mr. Charles J. Ingersoll, chairman of the committee of foreign affairs, introduced the administration measure. After that, there were six other plans of annexation introduced before the resolutions, which finally passed, were offered. They were presented by Mr. Wilton Brown, of Tennessee, on the

13th of January, 1845. He and I consulted frequently together. We agreed in our views. We could not support any one of the plans submitted, but were anxious for the measure to succeed on the terms I have stated. He drew up the resolutions, embodying our views, securing the settlement of the vexed question, and the guarantee as to the four future slave States, south of the Missouri line, just as they passed. Neither Mr. Calhoun nor Mr. Tyler ever saw the resolutions until they were offered to the House; and I doubt if any other person did except Mr. Brown, myself, and Hon. Ephraim H. Foster, one of the senators of Tennessee. Mr. Brown informed me that Mr. Foster concurred fully in our views, and would present the same resolutions in the Senate on the same day, which he did, remarking at the time that he had neither consulted nor conversed with any other senator in relation to them. As for the phraseology of the resolutions, that is due entirely to Mr. Brown; but for the substance, I feel fully justified in saying that we are both jointly and equally responsible. My course in the matter was taken, not without some doubt and distrust that it might be wrong, as so much talent, age, experience, and worth were arrayed against it; hence, you may imagine the gratification I felt, six years after, when Mr. Webster, in his celebrated 7th of March speech, fully admitted the constitutionality of the annexation, and the binding obligations of the guarantees therein secured. The recognized constitutional expounder, and one of the leaders of the opponents of the measure, though not in official position at the time it passed, lived to give the constitutional question involved the sanction of his high authority; and now few men of any party or any creed raise a point upon the subject.

The next question of agitation arose out of our acquisitions from Mexico, embracing also the territory of Oregon—the title to which had just been definitely settled about that time. This was the greatest of all, before or since. It involved the powers of Congress over the territories, and the right of the general government to exclude slavery, as it exists with us, from them. The principle was one of vast importance, whether considered in an abstract or practical view. Its assertion abstractly carried with it southern inequality, inferiority, and degradation. Its enforcement practically would have hemmed us up, hedged us in, walled us around, and prevented all future growth and expansion. The point the South made was the right to go into the territories with their slave property, on the same footing, and with the same security, as other property under the constitution. This was her demand; and it was on this basis the settlement was made. The territories are to be kept open for settlement and colonization, by all, alike, without any discriminating legislation on the part of Congress for or against any species of property, until the people come to form their State constitutions for admission into the Union—when they are to be admitted either with or without slavery, as

they may then determine for themselves. This is non-intervention. And, as you all may know, it came short of what I wished. It was, in my view, not the full measure of our rights—that required, in my judgment, the enactment, by Congress, of all needful laws for the protection of slave property in the territories, so long as the territorial condition lasted.

But an overwhelming majority of the South was against that position. It was said that we who maintained it, yielded the whole question by yielding the jurisdiction—and that, if we conceded the power to protect, we necessarily conceded with it the power to prohibit. This, by no means, followed, in my judgment. But such was the prevailing opinion. And it was not until it was well ascertained that a large majority of the South would not ask for, or even vote for congressional protection, that those of us who were for it yielded to non-intervention, because, though it came short of our wishes, yet, it contained no sacrifice of principle—had nothing aggressive in it, and secured for all practical purposes, what was wanted. That is, the unrestricted right of expansion over the common public domain, as inclination, convenience, or necessity may require on the part of our people. For, while Congress abstained from all direct legislation on the subject, yet the bills organizing territorial governments granted to the local legislatures the power to pass laws “upon all rightful subjects of legislation, not inconsistent with the constitution of the United States.” This gave them the power to pass all needful laws for the protection of slave property, if the people wanted them—that being a rightful subject of legislation—but none to prohibit or exclude—that being inconsistent with the constitution of the United States, and the exercise of a power that Congress did not possess, and could not grant.

This was the view we took of the case; and this has since been sustained by the Supreme Court of the United States, in the *Dred Scott* decision. Thus the settlement was made—thus the record stands—and by it I am still willing to stand, as it was fully up to the demands of the South, through her representatives at the time, though not up to my own; and, as by it the right of expansion to the extent of population and capacity is amply secured, which was the great practical object had in view. The subsequent excitement on the Kansas bill, in 1854, was but a sequel to that of 1850.

In carrying out the principles established in 1850—of opening the territories, and leaving them free for settlement by all, alike, without congressional interference, it became necessary to take off the old restriction of 1820, which had been put upon that territory.

The agitation this gave rise to, was caused by nothing but the dying efforts of the old restrictionists to hold their old ground, and to fight the battle of 1850 over again. This was a struggle mainly for principle—abstract principle on both sides. In the

result, we were triumphant. But it was not a triumph of the South over the North, so much as it was a triumph of the friends of constitutional equality and right, over their enemies everywhere; and let no man consider this agitation, so far as the South is responsible for it, as useless or unnecessary, inasmuch as it was a struggle mainly for an abstract principle having practically nothing in it. Let no one indulge the belief that it would have been better for the South to have quietly let the old restriction against us remain upon the statute book, as there was little prospect that slavery ever would go to those territories, and as the Supreme Court has since decided, in the Dred Scott case, that the old restriction was unconstitutional and void anyhow. Let no one think that the amount of practical interest in the result did not justify the popular commotion that the controversy evoked. Let no one take any such view of the subject as this; practical results should weigh but little when great fundamental, constitutional, and abstract principles of government are to be settled. These underlie all popular rights, and constitute the essence of sovereignty and independence; and the fates of nations depend upon a rigid maintenance of them. An insult to a flag has but little practical injury in it; and yet, if unatoned for, will and ought to justify war "at every hazard and to the last extremity." The war of the American revolution, which gave us our national independence, was fought more in vindication of abstract principles than for the redress of any practical grievances. The grievances of the colonies were mainly the assertion of rights and powers over them by the British parliament, which they denied. Hence, Mr. Webster said, truly, that it was fought "on a preamble." It was not the amount of the tax complained of, so much as the right of imposing it without representation. The very bill that led to resistance reduced the tax, but asserted in its preamble the unlimited and unconditional power to tax. It was on this measure, that the great Edmund Burke—a son, Mr. President, (Mr. John Bones,) of your own native isle, who ranks high above all the others of her most illustrious names—high above Grattan, Curran, and Emmet, and who stood foremost and first among orators and statesmen not only in the British parliament but in the world, in his day—if he has ever been surpassed in any age or country—it was on this bill, thus granting relief to the colonies, accompanied by the bare assertion of illegal right, that Burke, in his place, told the House of Commons that they were sending an angel of peace, "but with it they were sending out a destroying angel, too;" and what would be the effect of the conflict of these two adverse spirits, or which would predominate in the end, was what he dared not say. His warning was not heeded. The destroying angel came; but with no effect upon our ancestors, except to arouse them in defence of even their abstract rights. It was England, who, under the influence of his unseen power, was left to mourn the loss of her first-born colonies.

In politics, as in law, the greatest results often follow the establishment of abstract principles, when the amount of practical interest involved is too small to be taken in the estimation. Principles deciding the titles to millions of property may be settled, and often are, upon a pepper-corn issue. In the case of *Pierce and Twine*, two hundred pounds sterling only were involved. But who could estimate the hundreds of thousands that have been controlled by the principles established by it? Or who would undertake to number the millions upon millions, which have and do depend upon the principles of *Shelly's case*, or *Perrin against Blake*? In this last, thousands of dollars have been spent in publishing books that have been written upon it—to say nothing about the amount or value of property it has controlled. And yet, only two thousand pounds sterling were all that was practically in issue in it. And what was the amount practically in issue in the *Dred Scott* case, itself? Nothing but the value of one slave, perhaps, less than a thousand dollars; yet, on the principle depended not only many other thousands, but in all probability the destiny of this country. And who is vain enough to suppose that the *Dred Scott* decision would have been made, but for the agitation and the discussion which preceded it, and the sound, clear principles which that discussion brought to light? Weigh not, therefore, too lightly the most violent discussions by your public men, even upon the most abstract principles. Nay, more, be prepared to assert them yourselves as your fathers did, at any hazard, though there be nothing at stake but your honor.

Nor am I of the number of those who believe that we have sustained any injury by these agitations. It is true, we were not responsible for them. We were not the aggressors. We acted on the defensive. We repelled assault, calumny, and aspersion, by argument, by reason, and truth. But so far from the institution of African slavery in our section being weakened or rendered less secure by the discussion, my deliberate judgment is that it has been greatly strengthened and fortified—strengthened and fortified not only in the opinions, convictions, and consciences of men, but by the action of the government. Questions that were doubtful and mooted before these agitations, have since been settled—settled as I have stated, settled by all the departments of the government, the legislative, executive, and judicial. The old Missouri restriction of 1820, has been taken from the statute book. There is not now a spot of the public territory of the United States, over which the national flag floats, where slavery is excluded by law of Congress; and the highest tribunal of the land has decided that Congress has no power to pass such a law, nor to grant such power to a territorial legislature. All this has been the result of these agitations.

But, perhaps, I am detaining you too long on these topics. It may be that some are more anxious to hear what I have to say

for the future. Will the present quiet last? or will the anti-slavery spirit renew the strife? And what is to be the end of it? On this point, I can only say, that the future is wisely shut out from our view by a curtain that I could not lift if I would, and I would not if I could. It is enough for us to take care of the ever present, with which we are moving along. All things human are passing away. Nay, more, in the conditions and relations to each other of all things throughout the material universe, there is nothing eternal, but change. This is the universal law. Our bodies yield to it—death is the common lot of all—governments are subject to the same law. The most powerful of the present day, will, in course of time, pass away, as those great empires did, which we read of, centuries ago—our own cannot escape the same inevitable doom. But when this will be—whether at an early or remote period—I have no disposition either to inquire or to speculate. I have no hesitancy, however, in giving you the strong conviction of my judgment that it is best for all that the States shall remain united under their present constitution just so long—if that be forever—as this end can be attained without the sacrifice of any constitutional principle, or the loss of any constitutional right essential to the safety and security of any one of them, or any number of them—and that the Union on this basis, can be and will be preserved just so long as intelligence, virtue, integrity, and patriotism rule your national councils. How long this will be, will depend upon the people themselves.

Legislators in this country, in the main, are but the embodied reflection of the characters and principles of those who elect them. As matters now stand, so far as the sectional questions are concerned, I see no cause of danger, either to the Union, or southern security in it. The former has always been with me, and ought to be with you, subordinate to the latter. But on the present basis of governmental action, recognized in all its departments, on those questions vital to the South, I see nothing likely to arise from it calculated to endanger either her safety or security: hence, nothing to prevent the hope and earnest desire that a still greater, wider, and higher career is before us, for many long years to come, than that yet attained. There is nothing in the diversity and dissimilarity of the institutions of the different States inconsistent with this—nothing in any increase or addition of States; nothing in the future enlargement of the limits of the republic, by further acquisition of territories, as, in the event of continued union, there, doubtless, will be. Already, we are looking out toward Chihuahua, Sonora, and other parts of Mexico—to Cuba, and even to Central America. Where are to be our ultimate limits, time alone can determine. But of all these acquisitions, the most important to the whole country is that of Cuba. She lies geographically in the natural line of extension and acquisition. The natural course for all national extension is on lines of longitude, rather than lines of

latitude—from North to South, or from South to North, rather than from East to West—so as to bring within a common jurisdiction the products of different climes. As yet, we embrace no portion of the tropics. Cuba, besides, her commanding position in the Gulf, and all other advantages, would fill up this deficiency.

On this subject, however, I will say that I am not much in favor of paying any great sum of money to Spain for that island. If the people of Cuba want to come under our jurisdiction, it is their right to come, and ours to receive them, without let or hindrance from Spain. She holds the island by no tenure but that of conquest and force. The more appropriate policy would be to repeal all our own laws which make it penal and criminal for our own citizens to go and help them achieve their independence. Instead of offering Spain thirty or more millions of dollars for it, I would simply quit spending other millions in keeping watch and guard, for her to oppress and rob; I would simply quit holding while Spain skins. A million or two might be well spent to obtain so great a result without difficulty, if Spain saw fit to receive it—not much more.

But whatever may be our acquisitions of territory, I see nothing to endanger our rights in the Union, if the principles now established be adhered to and maintained in good faith; on this, the future peace and harmony of this country in my judgment depends. Over all present possessions or future acquisitions, we have and will have, by those principles, the unrestricted right to expand, to settle and colonize with our institutions to the extent of population and capacity. Wherever climate and soil suit, there slavery can and will go to the extent of population.

On this point of extension, however, fellow-citizens, I deem it my duty to repeat what I said in 1850, when we had just come out of the great struggle over the territorial policy of the government—whatever abstract rights of extension and expansion we may have secured in the settlement of that policy, you may not expect to see many of the territories come into the Union as slave States, unless we have an increase of African stock. The law of population will prevent. We have not the people. Boundaries by rivers or mountains, do not make States. It takes people to make States; and it requires people of the African race to make slave States. This requires no argument; and I very much question whether, with our present stock of that population, we can furnish the requisite number to secure more than the four States to come out of Texas in the present territories of the Union. To look for, or expect many more, is to look in vain, without a foreign supply. This question, the people of the South should examine in its length and breadth. It is one deserving consideration of the gravest character. It deeply concerns our internal interests and domestic policy, as well as the growth and extension of our institutions. It should not be acted on or

decided hastily or rashly, but calmly and deliberately. I only present it to you for such consideration; and especially with the view of impressing you with this great truth beforehand, that if there are but few more slave States admitted into the Union, it will not necessarily be in consequence of abolitionism or Wilmot provisoism, but for the want of the right sort of population to settle and colonize them with. It is useless to wage war on those who may withhold congressional legislation to protect slave property in the territories, or to quarrel amongst ourselves, and accuse each other of unsoundness on that question, unless we get more Africans to send there to be protected. My object is simply to bring clearly to your mind the great truth—that without an increase of African slaves from abroad, you may not expect or look for many more slave States. If the policy of this country, settled in its early history, of prohibiting further importations or immigrations of this class of population, is to be adhered to, the race of competition between us and our brethren of the North, in the colonization of new States, which heretofore has been so well maintained by us, will soon have to be abandoned. It is in full view of all this, that I have stated, that if the present basis of settlement between the sections of the Union, which has been sanctioned by all the departments of the government, be adhered to, you have nothing to fear for your safety or security. For on these principles one slave State alone, by herself, would be perfectly secure against encroachments or aggressions on her domestic internal policy, though all the rest were free. But this safety and security, as well as the future prospects, depend altogether upon a rigid adherence to these principles and the adjustment of them as stated. They are the ship on which, as Paul said, you must abide if you would survive and be safe. Whether these principles shall be adhered to, or not, depends mainly upon the South; with her people united on them, there is no danger. Indeed, with her people united, under the lead of wise councils, no one need have any apprehension for the stability and permanence of her institutions, either in the Union or out of it, just as her enemies may choose to decide that question for her should this adjustment be disturbed by them. We control the great staple which forms the basis of the commerce of the world; and if united on a correct policy, can and will be able, in any and every event, to take care of ourselves.

African slavery with us rests upon principles that can never be successfully assailed by reason or argument. It has grown stronger by discussion; and will still grow stronger as discussion proceeds, and as time rolls on. Thirty years ago Virginia was on the verge of abolition. Now, no such sentiment is to be found there. Twenty years ago, Wilberforce's theory was carried out by emancipation in the British West Indies. That experiment has most signally failed; that error in policy is now attempted to be remedied by coolies, instead of Africans,

under the title of apprentices, instead of slaves. This is but verifying the proverb that one false step leads to another. Carlyle, the greatest thinker of England, has repudiated the folly of abolitionism and the *London Times* followed not far behind him. The world is growing wiser, and upon no subject more rapidly than that of the proper status of the negro. In my judgment, there are more thinking men at the North, now, who look upon our system of slavery as right, socially, morally, and politically, than there were even at the South, thirty years ago. The leading public men of the South, in our early history, were almost all against it. Jefferson was against it; Madison was against it; nearly all of them were against it. This I freely admit, when the authority of their names is cited. It was a question which they did not, and perhaps could not, thoroughly understand at that time. It was then a new question in the construction of constitutional government. It is still a problem, in process of solution. They met the paramount questions of their day as statesmen; so should the men of this day meet those before them.

New truths are always slow in development. This is the case in all the physical sciences. It was so with the Copernican system in astronomy; so with the application of steam in mechanics; so with the knowledge of the laws of electricity, and the means of controlling it for great uses and purposes; this is also the case with new truths in government—and even more so; for legislators and rulers are not generally the thinkers of any country. Hence, important facts within their appropriate sphere often lie much longer unobserved without the legitimate inductions and conclusions to be drawn from them. The world had moved on for centuries; States, Kingdoms, and Empires had risen, fallen, and passed away, before legislators were even conscious of the great facts and truths brought to light by Adam Smith, touching the laws of trade and the real source of the wealth of nations. Even when first announced, they were slow in impressing the minds of those who controlled the action of governments. Now, they are recognized and adopted as maxims, by the wise and intelligent in all civilized countries. So it has been and is with the great fact, that in the framework of human society the materials for its structure should be selected and arranged in the order of nature.

Pythagoras, Plato, and Aristotle, the greatest philosophers of antiquity, directed their minds to the systems of government and the proper constitution of a State. The republican form was the ideal model of each. They all saw the necessity of some sort of gradation in the elements of its composition; but their systems failed, because they violated nature in making the subordinate class of the same race. Subordination is the normal condition of the negro. This great truth, that such was the normal condition

of any race was not recognized in their theories; and hence their machinery, in practice, could not work.

In this connection, allow me to say that I do not agree with some as to the manner of meeting our assailants on this subject. Many seem to be not only astonished, but offended, at the "higher law" doctrine of the senator from New York (Mr. Seward). I, too, believe in the higher law—the law of the Creator, as manifested in his works and his revelation. Upon this, our cause eminently rests. I claim nothing barely upon the ground that "thus it is nominated in the bond." I recognize to the fullest extent, the doctrine that all human laws and constitutions must be founded upon the Divine law. And if there is any right secured, or any obligation imposed in our constitution, inconsistent with this law, underlieing and overruling all others, such right and such obligation must be yielded. I would not swear to support any constitution inconsistent with this higher law. Let us not deceive ourselves—this question has to be grasped and comprehended in all its vast dimensions—on it, we need not be orators so much as thinkers, nor declaimers so much as reasoners. We must stand on the higher law, as well as upon the constitution. The latter must be subordinate to the former. But as I read the inscriptions upon the canvass of the universe about us and around us, and over us, as well as the teachings of inspiration "Order is nature's first law;" with it, come gradation and subordination; this principle extends from the throne of the Creator to the utmost limits of his works. We see it in the heavens above—in the greater and lesser lights—in the stars that differ from each other in magnitude and lustre; we see it in the earth below—in the vegetable and animal kingdoms—ranging from the stateliest trees of the forest to the rudest mosses and ferns. From the magnolia grandiflora gloriosa, the rose, and the japonica, down to the most uncouth flower we tread under foot—from the hugest monsters of life in the air, on the land, or in the ocean, to the smallest *animalcule* to be found in them all. We see similar distinctions and gradations in the races of men—from the highest to the lowest type. These are mysteries in creation which are not for us to explain. It is enough to know that they work out a grand harmony through the whole; and that in our system of government, which, in my judgment, is the best in the world, we do but conform to these immutable principles of nature. Who, then, is warring against the higher law? We who conform to it, or those who are striving to reverse the decrees of the Almighty?

In politics and morals, as in mechanics, it is impossible to war successfully against principle. The principle will ultimately prevail. The wickedest of all follies, and the absurdest of all crusades, are those which attempt to make things equal which God in his wisdom has made unequal. It is a struggle against a principle which can never succeed, where reason has sway, until "the leopard can change his spots and the Ethiopian his skin"

The world, by wise men, is to be taken as they find it ; and it is the business of statesmen so to construct the materials of society as best to promote the good of all. This can never be done by violating any principle of nature. If our system is not the best, or cannot be made the best for both races, it is wrong. I utterly repudiate the doctrine of the greatest good for the greatest number. One hundred men have no right to have happiness at the expense of ninety-nine, or a less number. If slavery, as it exists with us, is not the best for the African, constituted and made as he is—if it does not best promote his welfare and happiness, socially, morally, and politically, as well as that of his master, it ought to be abolished. But if it does this, then we stand upon a rock as firm and impregnable as truth. And with union and patriotism amongst our own people, we have nothing to fear from any quarter—either in the Union or out of it. We hold our destiny in our own hands ; and in pursuing it to the end, we shall be but fulfilling a great mission in advancing a new order and a higher type of Christian civilization.

I must now take my farewell leave. My race has been run—my career is ended ; whether it has been for good or for evil, the record is made up. By it, I must be judged in the future, as all others whose acts form a part, however small, in the public history. I am willing that my conduct, as it there stands, shall be squared by the Grecian's rule, that "the course of every public man, upon all great questions, should not only be the best that was thought of by any at the time, but the very best that all subsequent disclosures shall show, could have been thought of and adopted under all the circumstances." The rule is a rigid one ; but I ask no exemption from it now, nor hereafter. Upon a review of the past up to this time, I see no cause to regret any of my acts upon any of those questions to which I have alluded ; nor is there a single one of them that I would change.

I retire from no feelings of discontent—far from it ; no one ever had less cause to complain. If you are satisfied with the past I am. If any explanations are necessary to satisfy the inquiries of those who seem to think it so strange that one should voluntarily retire from a place of position and honor, I state explicitly that it is because those questions having been settled with which I had become connected, there are other pursuits more agreeable to my nature, and I do not know that I could render the public any more essential service at this time than by showing, to the extent of my example, at least, that office is not the chief end of man. I do not say that I will, under no circumstances, ever hold office again, or serve the country in any emergency that may arise. That would be tantamount to a declaration of incivism, inexcusable under all circumstances. An occasion may arise when I should feel it a duty even to shoulder a musket—though I could not render much service in that way. But I do say, that there is no office under Heaven that I desire, or wish ever to hold—there

is none that I should prefer to that of representative in Congress—especially from the eighth district of Georgia. In quitting that, therefore, I quit for good and in earnest—hoping and believing that no such crisis ever will come when I should be required to take active part again in public affairs. As a private citizen, I shall continue to feel the same interest in passing events, and take such part in them as all other good citizens should—nothing more.

I cannot permit this occasion to go by without adding, that if, in the heat of any of those high party excitements, through which it has been my lot to pass, I have ever, at any time, said or done aught to give offence, or to wound the feelings of any one wantonly, or without cause, I do deeply regret it. It was never my intention to offend, or to give cause of offence to any, unless first offended against; and whatever instances of this kind may have occurred, I deeply regret the necessity that occasioned them; and trust that the whole, alike, may be buried in oblivion forever.

With you, my fellow-citizens, here present, and those of my constituents absent, I leave my best wishes for long life and happiness. With our common country, I leave like good wishes, and the earnest hope for undisturbed peace and prosperity, and that our institutions, unimpaired, national and State, may long continue to bless millions, yet unborn, as they have blessed us.

THE ADDRESS OF HON. ALEXANDER H. STEPHENS
BEFORE THE PRIZE DECLAIMERS OF THE SOPHOMORE CLASS AT THE COMMENCEMENT OF THE
STATE UNIVERSITY, IN AUGUST, 1859, AT ATHENS,
GEORGIA.

YOUNG GENTLEMEN: In the order of these exercises, it is now my part to present to two of your number the prize medals for which all of you yesterday entered into such spirited, honorable, and praiseworthy competition. Those whose province it was to decide upon the merits of that contest have rendered their award, and it is for me now to make that award known, and to deliver the medals according to their judgment.

Custom on such occasions warrants the expectation that the performance of this duty will be accompanied by some prefatory remarks. In yielding to this, however, the lateness of the hour, the protracted detention of this large and already wearied audience, and especially your own impatience to hear the result, on which your minds must be now hanging in anxious suspense, all alike admonish and prompt me to be brief.

To you all it is an interesting occasion. The most so, perhaps, you have ever experienced. It is one of those events which

makes its mark, and which will form an epoch in the life of each of you, to which the mind hereafter will often revert and look back with pleasure, I trust, as years roll on, and as new scenes and other conflicts open up before you. You have each just made your debut upon the public stage—your first essay for distinction before the world—your first effort in life's great struggle. To know the result of this effort? What success it has met with? How it has been appreciated in comparison with that of your rivals? These are thoughts and questions which now agitate your breasts, and must cause the most intense anxiety to each of you. This is natural. This anxiety is not confined to yourselves. The same feeling to some extent fills the breasts of many of those now here, who witnessed that effort so strenuously exerted by all. There are, perhaps, many now here who feel almost as much interest in hearing the decision of the judges upon it as you do yourselves. Parents, brothers, sisters, preceptors, or other dear friends, whose whole souls are ever alive and quick to every thing that relates to your welfare, and success in life. Think not that because you are yet young, that you are not the object of most anxious care and thought by many who keep constant watch on your progress. Even strangers, who never saw you before, could not remain indifferent and disinterested spectators of such an exhibition as you displayed of youthful emulation in skill, tact, art, and energy; each striving for the lead while all were so close, so nearly equal, as to leave the mind in hesitation, if not doubt, to whom the honors should be given. Many of these are also here now partaking of the same anxious expectation.

To both parties of you, the successful and the unsuccessful respectively, I would say a word in advance before making the final announcement. To the two to whom the prizes have been awarded, that word is, be not too much elated by your triumph when you hear it; be not puffed up or vain-glorious at it. Recollect that this is but the first rencontre—the first pass or tilt in the grand tournament of life. Intellectual struggles of this character, in some respects, are like those physical and athletic exercises and sports so celebrated amongst the ancients. The objects in both are similar. In those the development of the physical faculties was looked to; in these the development of the mental. And in the former your classical reading has taught you that the first advantage gained, was not always followed by ultimate victory. That is the great prize to which all of you should mainly look. Gyas, you recollect, in the boat contest so graphically depicted by Virgil, took the lead far ahead at the outset, but Cloanthus was foremost at the close of the race. Entullus blundered and fell, when he first sought close quarters with his antagonist. The shouts of the multitude proclaimed the victory to Dares. But Entullus, rising from his fall with renewed spirits and strength, not only recovered himself for renewed action, but finally bore

off the palm. So Euryalus the third at first out of six in the foot-race came off winner in the end. The end with you is not yet. This is but the beginning of that race upon which you have entered. Wear your honors, therefore, with that modesty and dignity which always comport so well with real and true merit; and with this abiding reflection deeply impressed upon your minds, that more will be expected of you hereafter, and that if by chance you should fall behind on the next trial, your chagrin will be greatly enhanced by the remembrance of any undue exultation on this occasion.

To those of you who have been unsuccessful, who by necessity constitute much the larger number, for the prizes here, as the honors of the world are few compared with the number of competitors for them, hence their great value and the high estimation placed upon them. To you who have in the opinion of the judges come short of your rivals in this your first effort, the word I would say, is, be not discouraged at this result. To you I would also repeat, this is not the ultimate goal of that ambition, which in your young breasts is just beginning to quicken into life. This is not the end of that race upon which you and your rivals have entered. It is but the first step in that long and arduous road, that leads to Fame's proud Temple that shines afar. The young eaglets that upon the first trial of wing from their cyries may not be able to bear themselves up so well as their better fledged fellows may, nevertheless, anon rise equally high as they, and move as gracefully and majestically in those upper regions into which none but eagles soar. And many a man has been actually scraped and coughed down in legislative assemblies, who afterward has made thrones and kingdoms tremble under the powers of his eloquence. The most renowned of all orators not only gained no distinction, took no prize, but was hissed on his first effort before the public. And the acknowledged chief of all declaimers England has ever produced, was ridiculed and lampooned most severely upon his first appearance on a London stage. Let your ardor therefore be not in the least degree checked or abated. Let it rather be rekindled with renewed energies. Let your spirits react as the palm tree, from which the emblem of victory was chosen of old, "*adversus pondus resurget et sursum nititur.*" Let your energies rise against any and all opposing weights. If you feel the internal fires glow aright—if you have the firm and deep resolve within, based upon the essential requisites of truth, honor, and integrity, be assured that nothing is wanting for ultimate success, but length of days, sound bodies and minds, and continued effort. Effort is necessary for success in all things. In oratory, as well as in every thing else, it can be attained only by application, industry, toil, and perseverance, "*Labor omnia vincit,*" "*Fortuna favet fortibus et patientibus.*" Fortune favors those who are not only brave, but who can stand the exertion and fatigues of the campaign. Patience is a master virtue. Not that calm, inert

resignation of mind sometimes meant by the word, but that strong quality of perseverance and constancy in labor and exertion, which it legitimately imports. "*Patior*" is its origin, and it implies all that this word in the original expresses. He that would succeed in any thing must cultivate this quality. It signifies not only the faculty which enables to bear crosses and disappointments, such as this may be to you, but that which sustains physical endurance, bodily privation, self denial, and which underlies all the nobler traits of character.

"What makes the hero, an heroic mind!
Expressed in action and in endurance proved."

It implies a rigid self-knowledge and self-control. The first great essential for you is to know yourselves thoroughly—your capacities and incapacities—your capabilities and incapacities—as well as your aims, objects, and wishes. Goëthe, the German poet and philosopher, has said that he is fortunate who early in life learns the immeasurable distance between the objects of his desires and his capabilities to attain them. This knowledge, this survey of the ground, like the general's reconnoissance of the field on which the battle is to be fought, acquaints one who would win, with all the difficulties, obstacles, and impediments that lie in the way, and enables him to avoid or surmount them as convenience or necessity may require. With this knowledge—with self-control and self-discipline firmly planted upon correct principles—set your mark where you please, high or low, with continued, enduring effort fear not ultimate success. Let your motto be "*Nil desperandum est.*"

And now, young gentlemen, a word to *all* of you. I feel that I but speak the common sentiment of that portion of this audience who witnessed your exhibition, when I assure you that all of you acquitted yourselves well, and gave an earnest and promise for the future that ought to be most gratifying not only to you and your immediate friends, but to those under whose charge you have been trained in these your first lessons in elocution. Declamation is, as far as you have as yet ventured in exercising it, that wonderful gift which has and ever will rank so high in the estimation of mankind. This part you have done well. But oratory in its wider and more comprehensive sense embraces excellence in this as well as in many other things. In its analysis it has been divided into four parts; invention, disposition, elocution, and delivery. Another, and as it seems to me, a better, classification of its parts might be into thought, method, and utterance—or ideas, their arrangement and the manner of their presentation. Declamation, with all its accompaniments of voice, attitude, and action, is but the utterance or presentation of thoughts previously methodized or arranged. This requires the power so to catch the spirit, so to moderate the voice, so to suit the action to the word as to impart not only the meaning of the

author but his passions and emotions. This is elocution in its proper sense, and is itself a rare and high attainment. This is the field in which the actor figures. Herein lies his whole art. It was in this Garriek won all his laurels. It was in this that Mrs. Siddons so excelled all women who lived before or since. It is in this that Forest and Macready and others upon the stage, in our day, have gained such world-wide reputation. It is an art, however, of the same grade relatively as that of the performance barely in music, either vocal or instrumental. Giardini, Garcia, Paginini, Jenny Lind, and other masters and queens of the opera, the orchestra, and concerts have left names that will long survive them. They possessed talent and genius of no ordinary character—yet their genius falls far below that of Correlli, Beethoven, Haydn, and Mozart. These originated and created as well as executed. So it is with real orators. Those who not only move masses but impress their ideas upon the world, as Massillon, Bossuet, Whitfield, and Wesley. Those who control the destinies of nations, as Demosthenes, Cicero, Pericles, Mirabeau, Chatham, Burke, our own Patrick Henry, Webster, Clay, Calhoun, and he, though last not least, whose recent loss the whole country now mourns, the most accomplished and gifted Choate, rise to a much higher order of genius than those whose fame rests solely upon elocution. They were not actors merely—not performers only—they were originators. This species of oratory—this transcendent power requires not only utterance, or the elocution of words properly arranged, but something higher—the faculty of commanding thought—the power of generating and producing ideas with all the necessary imagery and illustration to give them force and effect. Communities, societies, and States are governed by ideas. He who gives the idea on any occasion in science, in art, in philosophy, in government or in religion, is the man of the occasion. And he who combines originality and fitness of idea, with the powers of language and manner, to impress its truth and force, is the orator of the occasion. What the poet has so well said of all of us, is particularly true of him who excels in this sphere—

“We live in deeds not years—
In thoughts not breaths:

* * * * *

He most lives who thinks most—
Feels noblest—acts the best.”

To attain this highest position amongst men or even to approximate it, requires the greatest and most extensive acquirements of the mind. It requires qualifications of the heart as well as the head. The moral attributes must be sound as well as the intellectual. There must above all be integrity of purpose. There must be that earnestness of soul which springs alone from the utmost sincerity of motive. These can never be affected.

They cannot be feigned. They must be real and genuine. Whoever would make others feel must himself feel. This is within the reach of the actor. But whoever would convince others of some new truth must himself first be imbued with that truth. It was Paul's profound conviction of the truths he uttered, and the earnestness with which he proclaimed them, which gave that power to his speech that made Felix tremble upon his throne. This is above and beyond the power of the mere artist. Barron, the celebrated actor in France, after hearing Massillon upon one occasion, feeling his inferiority in this particular, remarked to his associates: "We are but players, he is an orator."

Whoever, therefore, in the pulpit, in the forum, at the bar, in the public councils, or on the hustings, would lead others to the adoption of truth upon any matter or question, must himself first see it and feel its power.

With these suggestions let me in conclusion, young gentlemen, barely add, if you have high aspirations for ultimate success in that career upon which you are now only on the threshold, spare no labor, no toil. Study yourselves—know your defects and imperfections as well as your excellencies. Cultivate the moral as well as the mental attributes, and you may all yet upon another arena, after you shall have left these halls, secure to yourselves other memorials of distinction far more to be prized than these medals.



LETTER TO HON. J. J. CRITTENDEN, OF KENTUCKY.

CRAWFORDVILLE, GA., JANUARY 21, 1860.

MY DEAR SIR:—Your highly esteemed favor of the 13th inst. was duly received several days ago—the delay of my answer has been occasioned by a desire to see the pamphlet of Mr. Nicholas, to which you refer, before replying—that did not reach me until last night. I have given his proposed plan of change of the constitution of the United States, in the clause setting forth the mode and manner of electing the President and Vice-President, a very careful perusal, but have not had time to give the subject that calm reflection and thought which would be necessary before expressing any deliberate or mature judgment upon its merits, or its efficiency in correcting existing evils, which experience has shown to be incident to our present system. There can be no doubt that our practice has deviated immensely from the theory of our government in the election of these highest officers. The colleges of electors with us now are but nominal bodies. They exercise no discretion or judgment of their own whatever; their duties rise no higher than those of mere clerks

in the registry of edicts given in command to them, or whatever may be said of their duties under the constitution, such has become the character of their office. This was not the original design, however, or intention. That this deviation from the original design is attended with bad consequences, I am fully convinced. But how the evil is to be properly corrected, or whether it can be done by the plan proposed by Mr. Nicholas, or by any other that could be suggested, I am not prepared to say. It is true one class of evils might be avoided, if it were practicable to get any change on the subject made; but whether new ones, quite as mischievous might not arise under any change that might be made, is the question? Human foresight seems to be too short to provide against all dangerous tendencies, in the workings of any governmental machinery that human wisdom, backed by the purest patriotism, may undertake to put in operation. The works of man, in forming political organizations, seem in many particulars to be not unlike his own framework—his own physical organization—having in itself the seeds of its own dissolution. The very laws of life which for awhile evolve and develop such power, health, vigor, and strength, tend necessarily to such aberrations as in the end to effect their own suspension. Perpetual motions in governments need never be looked for any more than in mechanics. Indeed, I very much doubt if those laws in nature which we are accustomed to speak of as permanent, fixed, and immutable, are really so; their operations are only perhaps on too large a scale for our limited observation to note the changes incident to their action. But we see enough to know that all things about us in the material universe are not now as they once were; and that other agencies in nature than those now active must once have been potent.

But enough of this speculative digression. I mean by it simply to express the opinion that perfection nor permanence need ever be expected in any system of government, and that no system could be devised that would not in the end show irreparable defects; that such will be the ultimate fate of ours I have no doubt, no more than that death inevitably awaits every living organism on earth, whether vegetable or animal. But, as yet, I do not think any such irreparable defect has exhibited itself in our system. The end with us, I trust, is not yet—and such imperfections as experience has shown do exist, it is the part of patriotism to remedy and rectify as far as possible. Every disease or ailment that flesh is heir to is not necessarily fatal. So it is, I trust, with the ailments our body politic is now affected with—the statesman as the physician should resort to all the remedies within his power and skill. Whether the one proposed by Mr. Nicholas for the particular malady he alludes to would be proper, as I have stated, I am not prepared to venture an opinion. But I will say this, that I very much doubt if we have not passed the period in our Republic's life when any amendment of the constitution is practi-

cable. When any, however apparently proper, could be made. Whether, in a word, for the balance of our existence, long or short, we must not make up our minds to get along as well as we can, and do the best we can with the constitution as it is?

This is the opinion to which I am strongly inclined. One of the evils Mr. Nicholas intends to guard against, I fear, can never be avoided—that is party spirit and party organization. This seems to be a necessary incident to political organization itself—the idea of having the one without the other approaches a Utopian dream. Party has its originating principle in the philosophy of mental organization. Mind as well as matter is governed by a principle of polarity. When the metallic bar receives the magnetic power or influence, instantly all adjacent ferruginous particles array themselves toward one or the other of the antagonistic poles. So with the minds of men, however quiet, calm, and perfectly at rest they may be, that instant a new idea, a new thought is presented, or a new question is started, these minds, by a law beyond their control, assume their normal position toward the new idea, thought, or question—they array themselves instantly toward it upon the principle of polarity—some on the one side and some on the other. This is so in small circles of people, and in large ones—in all bodies or collections of men. In small affairs as well as great. In matters of government or measures relative to public interest—we see it in counties, towns, cities, states, and empires. It is an all-pervading principle—the larger the mass, the greater the number, the more intense is the action of this principle, especially upon great questions affecting the interests of all, as every leading question of governmental policy must of necessity be. All free governments, if you will allow the illustration, are not unlike a huge magnetic-galvanic battery. Each mind, under the influence of this universal principle of polarity, contributes its mite toward producing the whitest and intensest heat of all other agencies. This under our government cannot be avoided. A wise man should not attempt to avoid it, if for no other reason because it is impossible; but he should endeavor to control it for wise and good purposes—useful ends—just as the man of science controls the agencies in his battery in sending news as quick as lightning, or in discovering new truths in the mysteries of nature for the benefit of mankind. Opposition of thought, antagonism of idea, opinion, and judgment, upon which all party organization is founded, can no more be avoided in any system of human society than magnetism and polarity can be eradicated or removed from the material world. It is an inherent quality in the object itself.

But, again, I find myself going, perhaps, too deeply into the philosophy of things. I fear I shall weary you, if I do not quite bore you, with such abstract disquisitions, and, therefore, will say no more in that view.

In reply to another portion of your letter referring to the

prospect of remedying some of the existing evils growing out of existing party organizations, by the formation of a new party upon the basis you mention, with the hope of rallying all conservative men to the support of "the constitution, the Union and the execution of the laws," etc., I can only say that I do not think it practicable. There must be a vital and germinating principle in every embryo organism, as well as in all embryo parties, to secure growth and development. There must be a *nucleus* around which a crystallization of even unorganized matter is formed. The bare announcement "of the constitution, the Union and the execution of the laws," is not enough. With us questions of policy, measures, laws to be passed, will of necessity, and ought to be, the controlling, germinating principle in the organization of party. This is the case in all governments where the people take part in them. The present party organizations in this country are not the result of accident or chance or design; they are the legitimate result of the operation of causes beyond the control of those who might wish it were otherwise. They are founded upon the law I have mentioned. They spring from questions of public policy. They arise out of the action of the government, or the proposed action of the government, upon great questions affecting great interests, and they will necessarily exist until those questions are settled. If the "conflict" be "irrepressible," then they will last to the end. This I regard as a philosophical truth, that statesmen and patriots ought no more to ignore or forget than that water runs down hill, and that tides ebb and flow.

If such a party as you speak of should be organized, and should carry the country in an election, its own elements would go to pieces on the first meeting of Congress upon the questions of practical legislation. These are the living questions which must give life to party organizations. Parties must and will form on questions of legislation as they arise. As all men stand on these questions for or against the proposed action, they will, of necessity, fall into one or the other ranks of party classification. The real conflict in this country now, as I understand it, is, whether the powers of the common government shall be directed against the institutions and internal polity of a number of the States of the Union—whether the common government shall so direct its policy, foreign and domestic, as to change and ultimately eradicate those institutions? That is the whole question in a nutshell; and I see no way to get rid of party organization on this idea until the good men and true, throughout the Union, shall combine, and by their united energy and patriotism put that question at rest definitely and forever. That being a vital question to so large a portion of the country, it must necessarily swallow up all other questions until it is out of the way. For myself, I have never looked at this "conflict" as "irrepressible" at all, if the general government in its action shall be con-

fined to its appropriate sphere. I see nothing in the diversity of interests and pursuits, and institutions of this great and extensive country at all inconsistent with its united prosperity, peace, happiness, and increasing growth and power under the constitution as it is. I do not look upon this diversity as one of the fatal inherent defects of our system. The difficulties that now beset and environ us do not arise from any weakness of the craft on which we are borne—the ship is strong enough—the danger is not there. The trouble is with the crew—with the men to whom her safe guidance is confided—with our public men everywhere, in Congress as well as in our State legislatures and party conventions. We have too many demagogues and too few statesmen. There is not that loyalty to principle which characterized the men of the past generation. Men seek office now, even the highest, for the honor they may derive from it, and not with any view to the honor they ought by holding it, to confer upon it in the able and faithful discharge of its duties. These are our real troubles. They augur a fearful degeneracy of the times and of the people. They spring from those who control and seek to control the government—not the form or framework of the government itself, but its moving power—and they cannot be got rid of but by elevating the people—by bringing about a change of their sentiments. It cannot be done by putting them into different party classifications. An appeal to their virtue, their intelligence, and their patriotism is the only hope. If this fails, no hope is left—destruction will soon be upon us—and that “end” which I so sincerely trust may not come, at least in my day, will speedily and inevitably follow. This is my deliberate judgment. I am now out of public life, and intend to remain out the balance of my days, but I cannot cease to look on passing events but with the deepest interest. I must ask to be excused for writing to you at such length—the truth is I did not intend to do so when I commenced. But when I begin to scribble it is about as difficult for me to stop as it is to start. Permit me to say, I find it much more agreeable to look on in retirement at what is going on in Washington, than to be a participant in the excitements there. I often think of you, and the many pleasant hours and days we have spent together. My kindest regards attend you forever. I should be pleased to hear from you often.

Yours most sincerely and truly,

ALEXANDER H. STEPHENS.

HON. JOHN J. CRITTENDEN, WASHINGTON, D. C.

LETTER OF THIRTEEN GENTLEMEN OF MACON,
AND MR. STEPHENS' REPLY UPON THE CHARLES-
TON RUPTURE, MAY 9, 1860.

MACON, GA., MAY 5th, 1860.

SIR: We are alarmed by the state of things developed in the democratic convention at Charleston. The discord and disorganizing spirit which prevailed there threaten the integrity and overthrow of the democratic party. We are filled with painful forebodings at the prospect of the democratic party being slaughtered in the house of its friends—a catastrophe which will put in equal peril the Union of the States and the safety of the South. Clinging to the fate and fortunes of both, we invoke your counsels in this crisis. We believe the democracy of Georgia should be represented in the adjourned national convention at Baltimore. Will you please give us your views candidly and promptly for publication?

Your friends and fellow-citizens,

ROBERT COLLINS, JOHN J. GRESHAM, JAS. W. ARMSTRONG,
JAMES DEAN, JOHN B. ROSS, PULASKI S. HOLT,
A. E. COCHRAN, W. K. DEGRAFFENREID, SAMUEL B.
HUNTER, JOSEPH CLISBY, THOMAS L. ROSS, JAMES A.
NISBET, WM. LUNDY.

CRAWFORDVILLE, GA., MAY 9, 1860.

GENTLEMEN: Your letter of the 5th inst. was received last night, and I promptly respond to your call as clearly and fully as a heavy press of business engagements will permit. I shall endeavor to be no less pointed and explicit than candid. You do not, in my judgment, overestimate the importance of the questions now pressing upon the public mind, growing out of the disruption of the Charleston convention. While I was not greatly surprised at that result, considering the elements of its composition, and the general distemper of the times, still I deeply regret it, and, with you, look with intense interest to the consequences. What is done cannot be undone or amended; that must remain irrevocable. It would, therefore, be as useless, as ungracious, to indulge in any reflections, as to whose fault the rupture was owing to. Perhaps, and most probably, undue excitement and heat of passion, in pursuit of particular ends connected with the elevation or overthrow of particular rivals for preferment, more than any strong desire, guided by cool judgment, so necessary on such occasions to advance the public good, was the real cause of the rupture. Be that as it may, however, what is now to be done, and what is the proper course to be taken? To my mind the course seems to be clear.

A State convention should be called at an early day—and that convention should consider the whole subject calmly, and dispa-

sionately, with "the sober second thought," and determine whether to send a representation to Richmond or to Baltimore. The correct determination of this question, as I view it, will depend upon another; and that is, whether the doctrine of non-intervention by Congress, with slavery in the territories, ought to be adhered to, or abandoned by the South. This is a very grave and serious question, and ought not to be decided rashly or intemperately. No such small matters, as the promotion of this or that individual, however worthy or unworthy, ought to enter into its consideration. It is a great subject of public policy, affecting the vast interests of the present and the future. It may be unnecessary, and entirely useless, for me to obtrude my views upon this question, in advance of the meeting of such convention, upon whom its decision may primarily devolve. I cannot, however, comply with your request, without doing so to a limited extent, at least. This, I shall do. In the first place, then, I assume, as an unquestioned and unquestionable fact, that *non-intervention*, as stated, has been for many years received, recognized, and acted upon, as the settled doctrine of the South. By *non-intervention*, I mean the principle, that Congress shall pass no law upon the subject of slavery in the territories, either for or against it, in any way—that they shall not interfere or act upon it at all—or, in the express words of Mr. Calhoun, the great southern leader, that Congress shall "leave the whole subject where the constitution and the great principles of self-government place it." This has been eminently a southern doctrine. It was announced by Mr. Calhoun, in his speech, in the Senate, on the 27th of June, 1848; and, after two years of discussion, was adopted as the basis of the adjustment finally made in 1850. It was the demand of the South, put forth by the South, and since its establishment has been again and again affirmed and re-affirmed as the settled policy of the South, by party conventions and State legislatures, in every form that a people can give authoritative expression to their will and wishes. This cannot now be matter of dispute. It is history, as indelibly fixed upon the record as the fact that the colony of Georgia was settled under the auspices of Oglethorpe, or that the war of the American revolution was fought in resistance to the unjust claim of power on the part of the British Parliament.

I refer to this matter of history connected with the subject under consideration, barely as a starting point—to show how we stand in relation to it. It is not a new question. It has been up before, and whether rightly or wrongly, it has been decided—decided and settled just as the South asked that it should be—not, however, without great effort and a prolonged struggle. The question now is, shall the South abandon her own position in that decision and settlement? This is the question virtually presented by the action of the seceders from the Charleston convention, and the grounds upon which they based their action; or stated in other

words, it amounts to this: whether the southern States, after all that has taken place on the subject, should now reverse their previous course, and demand Congressional *intervention* for the protection of slavery in the territories, as a condition of their remaining longer in the Union? For I take it for granted that it would be considered by all as the most mischievous folly to make the demand, unless we intend to push the issue to its ultimate and legitimate results. Shall the South, then, make this demand of Congress, and when made, in case of failure to obtain it, shall she secede from the Union as a portion of her delegates (some under instructions, and some from their own free will,) seceded from the convention, on their failure to get it granted there?

Thus stands the naked question, as I understand it, presented by the action of the seceders, in its full dimensions—its length, breadth, and depth, in all its magnitude.

It is presented not to the democratic party alone; it is true a convention of that party may first act on it, but it is presented to the country, to the whole people of the South, of all parties. And men of all parties should duly and timely consider it, for they may all have to take sides on it, sooner or later.

It rises in importance high above any party organization of the present day, and it may, and ought to, if need be, sweep them all from the board. My judgment is against the demand. If it were a new question, presented in its present light, for the first time, my views upon it might be different from what they are. It is known to you and the country that the policy of *non-intervention*, as established at the instance of the South was no favorite one of mine. As to my position upon it, and the doctrine now revived, when they were original and open questions, as well as my present views, I will cite you to an extract of a speech made by me in Augusta, in July last, on taking final leave of my constituents. I could not restate them more clearly or more briefly. In speaking of, and reviewing this matter, I then said:

“And, as you all may know it, (*non-intervention*,) came short of what I wished. It was, in my view, not the full measure of our rights—that required, in my judgment, the enactment by Congress, of all needful laws for the protection of slave property in the territories, so long as the territorial condition lasted.

“But an overwhelming majority of the South was against that position. It was said that we who maintained it, yielded the whole question by yielding the jurisdiction—and that, if we conceded the power to protect, we necessarily conceded with it the power to prohibit. This, by no means, followed, in my judgment. But such was the prevailing opinion. And it was not until it was well ascertained that a large majority of the South would not ask for, or even vote for, Congressional protection, that those of us who were for it yielded to non-intervention, because, though it came short of our wishes, yet it contained no sacrifice of principle—had nothing aggressive in it, and secured, for all

practical purposes, what was wanted ; that is, the unrestricted right of expansion over the common public domain, as inclination, convenience, or necessity may require on the part of our people. * * *

"Thus the settlement was made—thus the record stands, and by it I am willing still to stand, as it was fully up to the demands of the South, through her representatives at the time, though not up to my own ; and as by it the right of expansion to the extent of population and capacity is amply secured."

In this you clearly perceive what I think of the proper course now to be taken on the same subject. While in the beginning of this controversy I was not favorable to the policy adopted, yet I finally yielded my assent. It was yielded to the South—to the prevailing sentiment of my own section. But it never would have been yielded if I had seen that any of our important rights, or any principle essential to our safety or security, could, by possibility, result from its operation. Nor would I now be willing to abide by it, if I saw in its practical workings any serious injury to the South likely to arise from it. All parties in the South, after the settlement was made, gave it the sanction of their acquiescence, if not cordial approval. What, then, has occurred since to cause us to change our position in relation to it ? Is it that those of the North who stood by us in the struggle from 1848 to 1850, did afterward stand nobly by us in 1854, in taking off the old Congressional restriction, of 1820, so as to have complete *non-intervention* throughout the length and breadth of the common public domain ? Was this heroism on their part, in adhering to principle, at the hazard and peril of their political lives and fortunes, the cause of present complaint ? This cannot be ; for never was an act of Congress so generally and so unanimously hailed with delight at the South, as this one was—I mean the Kansas-Nebraska act of 1854 ? It was not only indorsed by all parties in Georgia, but every one who did not agree to its just provisions, upon the subject of slavery, was declared to be unfit to hold party associations with any party not hostile to the interests of the South. What, then, is the cause of complaint now ? Wherein has this policy worked any injury to the South, or wherein is it likely to work any ?

The only cause of complaint I have heard is, that *non-intervention*, as established in 1850, and carried out in 1854, is not understood at the North as it is at the South ; that, while we hold that, in leaving "the whole subject where the constitution and the great principles of self-government place it," the common territories are to remain open for settlement by southern people, with their slaves, until otherwise provided by a State constitution, the friends and supporters of the same doctrine at the North maintain that, under it, the people of an organized territory can protect or exclude slave property before the formation of a State constitution. This opinion, or construction of theirs,

is what is commonly dubbed "squatter sovereignty." Upon this point of difference in construction of what are "the great principles of self-government," under the constitution of the United States, a great deal has been said and written.

We have heard it in the social circle—in the forum—on the hustings—and in the halls of legislation. The newspapers have literally groaned with dissertations on it. Pamphlets have been published for and against the respective sides. Congress has spent months in its discussion, and may spend as many years as they have months, without arriving at any more definite or satisfactory conclusion in relation to it than Milton's perplexed spirits did upon the abstruse questions on which they held such high and prolonged debate when they reasoned—

"Of Providence, foreknowledge, will, and fate;
Fixed fate, free will, fore-knowledge, absolute,
And found no end in wandering mazes lost."

It is not my purpose now to enter the list of these disputants. My own opinions upon the subject are known; and it is equally known that this difference of opinion, or construction, is no new thing in the history of this subject. Those who hold the doctrine that the people of the territories, according to the great principles of self-government, under the constitution of the United States, can exclude slavery by territorial law, and regulate slave property as all other property, held the same views they now do, when we agreed with them to stand on those terms. This fact is also historical. The South held, that under the constitution, the territorial legislatures could not exclude slavery—that it required an act of sovereignty to do this. Some gentlemen of the North held, as they now do, that the territorial legislatures could control slave property as absolutely as they could any other kind of property, and by a system of laws could virtually exclude slavery from amongst them, or prevent its introduction if they chose.

That point of difference it was agreed, by both sides, to leave to the courts to settle. There was no cheat, or swindle, or fraud, or double dealing in it. It was a fair, honorable, and constitutional adjustment of the difference. No assertion or declaration by Congress, one way or the other, could have affected the question in the least degree; for if the people, according to "the great principles of self-government" under the constitution, have the right contended for by those who espouse that side of the argument, then Congress could not and cannot deprive them of it. And if Congress did not have, or does not have, the power to exclude slavery from a territory, as those on our side contended, and still contend they have not, then they could not and did not confer it upon the territorial legislatures. We of the South held that Congress had not the power to exclude, and could not delegate a power they did not possess—also, that the people had not the power to exclude under the constitution, and

therefore the mutual agreement was to take the subject out of Congress, and leave the question of the power of the people, where the constitution had placed it—with the courts. This is the whole of it. The question in dispute is a judicial one, and no act of Congress, nor any resolution of any party convention can in any way affect it, unless we abandon the first position of non-intervention by Congress.

But it seems exceedingly strange to me, that the people of the South should, at this late day, begin to find fault with this northern construction, as it is termed—especially since the decision of the Supreme Court, in the case of *Dred Scott*. In this connection, I may be permitted to say, that I have read with deep interest the debates of the Charleston convention, and particularly the able, logical, and eloquent speech of the Hon. Wm. L. Yancey, of Alabama. It was, decidedly, the strongest argument I have seen on his side of the question. But its greatest power was shown in its complete answer to itself. Never did a man, with greater clearness, demonstrate that “squatter sovereignty,” the bug-bear of the day, is not in the Kansas bill, all that has been said to the contrary, notwithstanding. This, he put beyond the power of refutation. But he stopped not there—he went on, and by reference to the decision of the Supreme Court alluded to, he showed, conclusively, in a most pointed and thrilling climax, that this most frightful doctrine could not, by possibility, be in it, or in any other territorial bill—that it is a constitutional impossibility. With the same master hand he showed that the doctrine of “squatter sovereignty” is not in the Cincinnati platform; then, why should we of the South now complain of *non-intervention*, or ask a change of platform?

What else have we to do but to insist upon our allies standing to their agreement? Would it not have been much more natural to look for flinching on their side than on ours? Why should we desire or want any other platform of principles than that adopted at Cincinnati? If those who stood with us on it, in the contest of 1856, are willing still to stand on it, why should we not be equally willing? For my life I cannot see, unless we are determined to have a quarrel with the North anyhow on general account. If so, in behalf of common sense, let us put it upon more tenable ground! These are abundant. For our own character's sake, let us make it upon the aggressive acts of our enemies, rather than any supposed short-comings of our friends, who have stood by us so steadfastly in so many constitutional struggles. In the name of patriotism and honor, let us not make it upon a point which may so directly subject us to the charge of breach of plighted faith. Whatever may befall us, let us ever be found, by friend or foe, as good as our word. These are my views, frankly and earnestly given.

The great question then, is, shall we stand by our principles, or shall we, cutting loose from our moorings, where we have been

safely anchored so many years, launch out again into unknown seas, upon new and perilous adventures, under the guide and pilotage of those who prove themselves to have no more fixedness of purpose or stability as to objects or policy than the shifting winds by which we shall be driven? Let this question be decided by the convention, and decided with that wisdom, coolness, and forecast which become statesmen and patriots. As for myself, I can say, whatever may be the course of future events, my judgment in this crisis is, that we should stand by our principles "through woe" as well as "through weal," and maintain them in good faith, now and always, if need be, until they, we, and the republic, perish together in a common ruin. I see no injury that can possibly arise to us from them—not even if the constitutional impossibility of their containing "squatter sovereignty" did not exist, as has been conclusively demonstrated. For, if it did exist in them, and were all that its most ardent advocates claim for it, no serious practical danger to us could result from it.

Even according to that doctrine, we have the unrestricted right of expansion to the extent of population. It is admitted that slavery can, and will, go, under its operation, wherever the people want it. Squatters carried it to Tennessee, Kentucky, Missouri, Alabama, Mississippi, and Arkansas, without any law to protect it, and to Texas against a law prohibiting it, and they will carry it under this doctrine to all countries where climate, soil, production, and population will allow. These are the natural laws that will regulate it under *non-intervention*, according to that construction; and no act of Congress can carry it into any territory against these laws, any more than it could make the rivers run to the mountains, instead of the sea. If we have not enough of the right sort of population to compete longer with the North in the colonization of new territories and States, this deficiency can never be supplied by any such act of Congress as that now asked for. The attempt would be as vain as that of Xerxes to control the waters of the Hellespont by whipping them in his rage.

The times, as you intimate, do, indeed, portend evil. But I have no fears for the institution of slavery, either in the Union or out of it, if our people are but true to themselves—true, stable and loyal to fixed principles and settled policy; and if they are not thus true, I have little hope of any thing good, whether the present Union last or a new one be formed. There is, in my judgment, nothing to fear from the "irrepressible conflict," of which we hear so much. Slavery rests upon great truths, which can never be successfully assailed by reason or argument. It has grown stronger in the minds of men the more it has been discussed, and it will still grow stronger as the discussion proceeds and time rolls on. Truth is omnipotent, and must prevail. We have only to maintain the truth with firmness, and wield it aright. Our system rests upon an impregnable basis, that can and will defy all assaults from without. My greatest apprehension is from

causes within—there lies the greatest danger. We have grown luxuriant in the exuberance of our well being and unparalleled prosperity. There is a tendency everywhere, not only at the North, but at the South, to strife, dissension, disorder, and anarchy. It is against this tendency that the sober-minded and reflecting men everywhere should now be called upon to guard.

My opinion, then, is, that delegates ought to be sent to the adjourned convention at Baltimore. The demand made at Charleston by the seceders ought not to be insisted upon. Harmony being restored on this point, a nomination can doubtless be made of some man whom the party, everywhere, can support, with the same zeal, and the same ardor with which they entered and waged the contest in 1856, when the same principles were involved.

If, in this, there be a failure, let the responsibility not rest upon us. Let our hands be clear of all blame. Let there be no cause for casting censure at our door. If, in the end, the great national democratic party—the strong ligament, which has so long bound and held the Union together—shaped its policy and controlled its destinies—and to which we have so often looked with a hope that seldom failed, as the only party North on which to rely, in the most trying hours when constitutional rights were in peril, let it not be said to us, in the midst of the disasters that may ensue, “you did it!” In any and every event, let not the reproach of Punic faith rest upon our name. If everything else has to go down, let our untarnished honor, at least, survive the wreck.

ALEXANDER H. STEPHENS.



LETTER TO DR. Z. P. LANDRUM, OF LEXINGTON, GEORGIA, JULY 1st 1860.

CRAWFORDVILLE, GEO., JULY 1, 1860.

MY DEAR SIR: Yours of the 26th ultimo was duly received, and I now return you an answer by the earliest mail that will bear it. But I confess my utter inability to give you any definite or satisfactory response to your several inquiries. The condition of public affairs in my judgment is truly deplorable, and I see but little prospect of it being bettered by any effort of patriotism on my part. Your professional practice has doubtless presented you with many cases where the symptoms indicated a malignity of disease beyond the power of medical skill. Such you will excuse me in saying are the symptoms of our public disorders, in my judgment, at this time. I see no remedy, can make no prescription—and can suggest nothing. The “*vis medicatrix naturæ*,”

is the only hope, and when this is the only hope, the best course is to leave the patient quietly to himself.

It is useless to discuss questions relating to the origin of this state of things, or how the evils that are upon us, or the worse ones ahead now threatening, could have been avoided. The times seem to be sadly out of joint.

In reply to what you say of my power, and that patriotism and statesmanship must "save us, else we perish," I can only say, with an oppressed heart, that there are periods in every nation's history, when passions get the better of reason, when no human power can avail any thing, when patriotism and statesmanship are alike submerged under the irresistible wave. At such times no power short of that which said to the troubled waters of Galilee's sea, "peace be still," can allay the storm. This is that unseen, but all prevailing, and all controlling power of Providence, which shapes the fortunes of men, and guides the destiny of States. What is to be the future of this country, I cannot say. I cannot even venture a conjecture. All I can do is to indulge a hope, strong or weak, as it may be, that all may yet be well. How this is to be, I do not see; it was in prospects of the events we now have upon us, "the shadows" of which I saw in advance of their approach, with the full conviction and consciousness that *I* could do nothing to avert them, that caused me to retire from that position of responsibility I had so long held, and in which I felt satisfied I could no longer be useful.

The real evils of the times the people do not understand. It springs from no defect in their government, from no "irrepressible conflict" of interest between the two great sections of the Union, from no danger to the rights, interest, honor, or safety of either, but from the want of true patriotism, on the part of our public men in all sections; from the want of devotion to the country, for the country's sake; from a want of loyalty to principle; nay, more, directly from the ambition of aspirants for place and power. This begets personal strife, prompted by jealousy and envy and hate. These are amongst the strongest, as well as the worst passions of human nature. They are not confined to humanity; even in heaven (it is said) they once exhibited their power and fury. If there they made devils of angels, what may we not expect them to make of men on earth? The good, the virtuous, and the wise, may look on and lament. Sometimes wise counsels may arrest and prevent most mischievous consequences, at others they are as impotent as chaff to stay the force of a storm. What influence had La Fayette's sage admonitions on the passions of the frenzied populace of France, aroused and led on by demagogues? I need not indulge, however, any longer in this strain.

To come to particulars. I assure you I am pained and grieved at what was done at Baltimore. The Charleston rupture was bad enough, but that at Baltimore was much worse. What the

friends of Mr. Douglas meant by pressing his nomination in the face of the secession of Tennessee, Kentucky, and Virginia, to say nothing of other States, I cannot imagine. As I view the field, he has no probable chance of election. Why they should put him up to be beaten is strange to me. I cannot understand it. They certainly have not as much regard for his noble spirit, great talents, and merits as I have. Madness and folly seem to have ruled the hour. The only use or public benefit his running can be, it seems to me, is for him to carry enough northern electoral votes to defeat Mr. Lincoln before the people, and to throw the election into the House, where his party rival, Mr. Breckinridge, may make him a stepping-stone in his elevation to power and place. In this way he may possibly, by his back and shoulders, enable Mr. Breckinridge to succeed in his election, and benefit the country by the defeat of Mr. Lincoln. But what honor this will be to Mr. Douglas I think it would be difficult for his friends to show. If this position had been *necessary* for any one, I would have assigned it to some other—some one who could, and would have rendered the country great public service, and at the same time might have been gaining and not losing public reputation himself. Again, his friends, it seems to me, must have known that his nomination, made under the circumstances that it was, could not have the power of keeping the national organization together. It was virtually a rupture of it. The usages of the party and its constitution, it will be said, (however, the facts may be,) were violated in putting him forth as its nominee, without the concurrence of two thirds of the electoral votes. This will effectually produce general demoralization.

The consequence is, we are and shall be, during the whole canvass, entirely at sea. No one will be looked to as the regular appointed standard-bearer of the flag of the national organization. The rupture is complete, and may be final. How that will be the future must determine. This election, at best, can but be a scrub race between the democratic candidates. The national democratic party is in the position of the old republican party in 1824. The same fate may be in reserve for it. That never was again re-organized, though another national organization did spring up out of the fragments and dissolving elements of old organizations, which was sufficient under Providence to save our institutions; and so it may be again.

It is consoling to the patriot at least to indulge in the hope that such may be the case. But that the South will ever get an act of Congress protecting slave property in the territories, I have no idea. That those who now insist upon such an article in a national party creed ever expect to see such an act passed, I have no idea. For many of them say that they would not vote for such a law. And that such a law would never be of the least advantage to the South, I am well satisfied. Hence, I was, and am clear in my conviction that it was not only not patriotic, but

exceedingly unwise and mischievous to insist upon such an interpolation on the old national party platform, and particularly at this juncture. But I will not confine my remarks to this juncture; for I verily believe that *non-intervention* by Congress with slavery in the territories, is the proper and safe doctrine at all times. Had the party at this time continued to stand on it with Mr. Douglas, they would have carried the country by an overwhelming majority, and would have annihilated the "Black republican organization," as it is called, for all time to come. This is my opinion. As matters now stand, this great result is put almost upon the chances of the turning of a die. If Douglas can carry enough northern States to defeat Lincoln's election in the electoral colleges, the contest will then come up in the House; when if the South unite with California and Oregon, Lincoln may be defeated.

But the seat of the democratic member from Oregon [MR. STOUT] is now contested, and I have no doubt a majority in the present House will vote him out, in case the election for President shall go before that body. Then there is great danger that a strife will arise between the friends of Bell and Breckinridge, in case they both be on the list of the three highest voted for by the colleges. In that event, there will be no hope but in staving off the election until the 4th of March, when the Senate will have to make the choice under the constitution. But in all these chances, in view of the passions and prejudices of bad men, aiming at rule and power, who does not see in advance the imminent danger at every turn, of some outbreak that may lead to revolution? Have we not fallen upon evil times, when so much has been hazarded to accomplish no object higher or worthier than the gratification of personal envy, hate, revenge, and ambition? The prospect is gloomy enough, but, my dear sir, I do not despair of the Republic; though I do not at this time see in what way any thing I can do or say would be of the least benefit, yet I am not without hope that deliverance in some way is in store for us. As to whether a Douglas ticket should be run in Georgia, I can give no advice either for or against it. What those southern States—Alabama and Louisiana—which voted for Mr. Douglas at Baltimore, as they did, meant by their course, or what they expected to accomplish by it, I do not know. I have received no explanations. What Governor Johnson expects to accomplish, I do not know. I have heard nothing from any of them. I see the editor of the *Constitutionalist* speaks as if he thinks the South will go for Douglas. To me, this seems little short of utter dementation. Still I may be mistaken. I only speak to you my individual opinions, formed from observations such as I can make in my quiet retreat, without mingling at all with the outside world, except through the medium of the public press. Had Douglas been nominated at Charleston (even after the secession took place), he would have carried the South against a Richmond nomination.

But at present it is impossible. The Baltimore Convention, instead of stopping the break in the levee, only made it deeper and wider. It is now, in my judgment, entirely beyond control. Nothing but a subsidence of the waters will ever arrest it. I think, moreover, that the declination of Fitzpatrick, and the general enthusiasm for Breckinridge and Lane in the South, will greatly damage Douglas in the North, if it does not entirely break him down there. As the prospect of his election diminishes, as it will very soon, even with those who were foolish enough to put him up as they did—thousands will abandon him to get on the winning side. Some from spite, and some from personal motives, so that in the end I should not be greatly surprised to see Lincoln elected by the people. In this state of things, so far as I am concerned, I am satisfied that the best course I can take is, to leave the whole matter with those who have undertaken the management of the crisis. Should it turn out well, no one will be more rejoiced than myself. Should it turn out badly, while I shall feel relieved of all personal responsibility—should I be in life—I shall endeavor to do whatever the dictates of patriotism may point out, whenever an occasion shall arise, when I see any prospect for doing good. At this time, I repeat, I see none. I expect, therefore, in this contest, to be perfectly silent. I see no good to be accomplished by any word that I can say. The popular fever must run its course. I do not wish any one to be influenced by my views, one way or the other. Every one should act from the dictates of his own judgment. If the “worst comes,” and we shall be precipitated into disunion, even by what I deem unwise counsels, which is not at all improbable, I shall yield to that misfortune as to all others. My destiny is with the South; whatever awaits her people, awaits me, so long as I live. Whatever errors her people or her rulers commit in controlling the common destiny of all of us, I shall endeavor to bear my share of the consequences of them with that patriotism which prompts a loyal heart to go for his country, right or wrong. At present, my patriotism embraces the whole country, North and South, and I have spent the best of my days in promoting the union, harmony, peace, rights, interests, and happiness of the whole. But if for any cause a division takes place, then Georgia will be my country, her people will be my people, and their cause will be my cause. I do trust that this division will not take place. I see no necessity for it. Still it may come. And if it does, my judgment as to the necessity of the thing, or the propriety of the course of our public men, that may induce it and hasten it, will not influence my action when the great fact is upon us.

Excuse this long letter. It is written, as you see from its date, on Sunday. I give it to you as a sort of pious offering, not altogether unsuited to the sacredness of the day. There are occasions when attention to bodily suffering of ourselves or our friends, as well as personal cares, are not thought to be out of

place on this day. Even Christ, after ministering in this way on that day, asked those about him, "which of you shall have an ass, or an ox fall into a pit, and will not straightway pull him out on the Sabbath day." The illustration is good to the extent that good may be performed on Sunday. And with a consciousness that what I have said or written has been prompted by no motive, but the public good, which concerns us all so deeply, I have no further apology to offer you for this deed on the Sabbath, though I make no attempt to get the country out of its difficulties, for I see no way to do it.

In reply to your inquiries after my health, I have to say that it is very feeble indeed. I am barely able to be up. I have quit all professional labors. I suffer from extreme debility, accompanied with vertigo. The cause or nature of the malady I do not understand. When I was at Athens, attending the Supreme Court, I consulted Dr. Moore, who thought it was brought on by exposure to the sun. I had been very much thus exposed on my farm, during the hot days in May, just before the first attack. I am on no treatment or régime, except rest and quiet.

To your other inquiry about our national flag, all I can say is, that the designer of the present flag was Captain Reid, of the privateer brig, General Armstrong, in the war with England, in 1812. The dates and particulars I cannot give, or wherein the device of the present flag differs from the old one. The full history of the stars and stripes I expect would be entertaining if not useful. The stars, as a matter of course, represent States. The origin of the stripes, I think, if searched out would be found to be a little curious. All I know upon that point is, that on the 4th day of July, 1776, after the Declaration of Independence was carried, a committee was appointed by Congress, consisting of Mr. Jefferson, Dr. Franklin, and John Adams to prepare a *device* for a *seal* of the United States. Each member of the committee prepared a device, and then they combined something of the ideas of each in one they reported. Mr. Jefferson was to combine their ideas. The seal he thus reported had on one side of it the Goddess of Liberty and the Goddess of Justice, supporting a *shield* with six quarterings, denoting the six countries from which the colonies had mainly been peopled, to wit: England, Scotland, Ireland, France, Germany, and Holland. The motto on this seal was "*E pluribus unum.*" This seal, as reported, or the *device* in full as reported, was never adopted. But in it we see the emblems in part, which are still preserved in the flag.

The stripes or lines, which on Mr. Jefferson's original plan were to designate the six quarterings of the shield, as signs of the six countries from which our ancestors came, are now, I believe, considered as representations of the old thirteen States, and with most persons the idea of a shield is lost sight of. You perceive that by drawing six lines or stripes on a shield figure it will leave seven spaces of the original color, and of course give

thirteen apparent stripes; hence the idea of their being all intended to represent the old thirteen States. *My opinion* is, that this was the origin of the stripes. Mr. Jefferson's quartered shield for a seal device was seized upon as a national emblem that was put upon the flag. We now have the stars as well as the stripes. When each of these were adopted I cannot say; but the flag, as it now is, was designed by Captain Reid, as I tell you, and adopted by Congress. The first one with his device, which Congress adopted, was put over the Capitol. It was made by the wife and daughters of Captain Reid.

Please remember me to Miss Grattan and to Mrs. Gilmer—to both give my kind regards. And though this letter is written entirely and exclusively for yourself, and not for the public, in any sense of the word, yet I have no objection to your reading it to Mrs. Gilmer if you think proper. In it she will but hear repeated several thoughts and opinions she heard from me last fall on a memorable occasion. It was the last night Mr. Gilmer ever sat up and talked with his friends, a conversation I shall never forget, for the strong faith and confidence he then expressed, in the ultimate virtue and intelligence of the people to arrest the evil tendencies of the times, greatly strengthened my own hopes, weaker then than now. What has occurred since has not disappointed me at all. It has not even surprised me. I was expecting it, and am now expecting a much worse state of things before any wholesome reaction takes place, if it ever does.

I must repeat to you that what I have said is not for public use in any sense. I do not wish your own action to be governed in the least by that line which I think proper to take myself. Do as you think best. Present my kind regards to Mrs. Landrum, and accept for both of you my best wishes for all the happiness this world can bestow, as well as that in a life to come, which is in reserve for the virtuous and the good.

Yours truly,

ALEXANDER H. STEPHENS.

DR. Z. P. LANDRUM, LEXINGTON, GA.

SPEECH DELIVERED IN THE CITY HALL PARK, AUGUSTA, GEORGIA.

SATURDAY EVENING, SEPTEMBER 1, 1860.

FELLOW-CITIZENS :—I appear before you in obedience to a call made on me by those whose call could not be refused. The sacrifice of personal feelings or wishes, on such occasions, is not to be taken into the account. If it were, I assure you I should not be here. I had hoped never again to be drawn into the active struggles, the strifes, and excitements of politics. The address I made on the 2d of July, of last year, near this spot, on taking

leave of you, and this district, as representative in Congress, I intended to be the last speech of the kind I should ever make. I trusted that in no event, or under any circumstances, should I ever be called on again to mingle in public affairs. All the questions with which I had been connected in the public councils having been settled upon terms satisfactory to us—upon terms thought to be just and honorable to all sections of the Union—it was but natural to look upon that settlement as permanent, and to indulge the hope of a happy and prosperous future for the country. But how illusory are all our hopes! How changed the prospect before us now from what it was twelve months ago! Then every thing was encouraging to the heart of the patriot—would that I could say the same now. Those agitating questions, then thought to be settled, have been opened up afresh, and all that was done in their settlement is attempted to be undone. You ask me what I think of the present state of the country? I told you, in the speech alluded to, that the peace and safety of the country, in my judgment, depended upon an adherence to the principles of the settlement of those questions then made. I tell you the same now. I tell you candidly and frankly that the signs of the times, as I read them, portend evils of the gravest magnitude. There is an attempt made to depart from the principles of that settlement.

At this time, and for some months past, the tendencies have been decidedly toward national disruption, and general anarchy. This conviction is beginning to force itself upon the minds of all. Can these tendencies be checked? Can the threatened disasters be avoided or prevented? If so, how, and in what way? What course should the patriot, looking only to the public good, public peace, welfare, and safety, take in the complicated contest before us? These are questions which now crowd upon our consideration. On them I propose to address you to-night. They present a wide field for thought and reflection—abounding in subjects of deepest interest and gravest import. I can only touch upon a few of them. My physical strength will not allow me to attempt more, if, indeed, it will sustain me in the limited view I have marked out for myself. I assume, in the outset, that the government, as it exists, is worth preserving; nay, more, with all its errors and defects, with all its corruptions in administration, and short-comings of its officers, it is the best government on earth, and ought to be sustained, if it can be, on the principles upon which it was founded.

First, then, as to the duty of democrats in the approaching Presidential election; for to that party I specially address myself. The choice of Chief Magistrate is the now pressing and absorbing issue. Greater and more momentous issues may be behind; but I wish not to lift the curtain of the future, it is with the present we now deal. For whom should democrats vote. There are two tickets in the field claiming to be democratic; which one is entitled to and should receive the votes of the democrats? To this I answer, that, in my judgment, the national ticket, bearing

the names of Douglas and Johnson, is the one entitled to democratic support.

The nominees on this ticket are the representatives of the party, put forth according to the usages of the party, and are the representatives of the long-established principles of the party. Nay, more, they are the representatives of the only principles upon which, in my judgment, the Union of the States, and the rights of all sections, can be maintained. For this reason I would urge this ticket, not only upon all democrats, but upon all well-wishers of their country, whether called democrats, whigs, or Americans. Allow me briefly to notice some of the prominent objections urged against this ticket by the partisans and friends of the other ticket claiming to be the true democratic party.

These relate to the manner of the nomination, the principles of the platform, and especially to certain opinions of Mr. Douglas, whose name heads the ticket.

First, as to the manner of the nomination. It is said he failed to get two thirds of the votes in the convention—that by democratic usage from 1832 down, no candidate could be nominated without a two-third vote.

I would not notice this point, if so much stress had not been put upon it by those who advocate the other ticket. Not only in the press, but in the speeches of leading men, and in the address to the public, put forth by the seceders convention's Executive Committee, this point is made prominent, and urged as one of the main reasons why democrats should feel under no party obligation to support the ticket of the regularly constituted democratic convention. In my judgment, Mr. Douglas did receive two thirds of the votes of the convention, according to the usages of the party, and according to the proper construction of what is known as the two third rule.

It is immaterial to me whether he received the nomination according to the interpretation or construction of that rule at Charleston or not. I mean the construction that the nominees should receive two thirds of all the electoral votes. That construction was wrong. It was an interpolation. It was inconsistent with the clear meaning—the letter, as well as the spirit—of the rule. The letter of the rule in most, if not all the conventions from 1832, running through 1836, 1840, 1844, 1848, 1852, and 1856, was that the nominees should receive two thirds of all the votes cast or given in the convention. It is immaterial whether, in point of fact, in all other conventions, the nominees did actually receive two thirds of the entire electoral vote or not—there never was before such a secession as was at Charleston and Baltimore; the question is what is the right construction of the rule requiring two thirds of the votes of the convention to make a nomination, and when will its requisition be complied with? This principle of a two-third vote is well understood in the parliamentary law of the country. It is fixed in the constitution of the United States,

and in the constitution of our own State, perhaps of most of the States of the Union. It is a principle often carried into practical operation in Congress, and in our State Legislatures. For instance, in the constitution of the United States, article first, section seven, and clause two, we have this provision:

"Every bill which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President of the United States. If he affirm it, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large upon their journal, and proceed to reconsider it. If, after such reconsideration, *two thirds of that House* shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered and if approved by two thirds of that House, it shall become a law."

Now, what has been the universal construction given to the words "*two thirds of that House*" in practical legislation? Has it been that it required two thirds of all the members constituting the House and Senate to pass a bill over the veto of the President? Never. The construction given, from the beginning down to the present time, without an exception, was, and is, that two thirds of those voting, in each House, may pass a bill over the executive veto, though there be barely a quorum present and voting. Such has been the uniform construction, not of this, but another clause, which authorized the expulsion of a member of either House, by a two-third vote—two thirds of those voting, if there be a quorum, is all that is necessary for a compliance with that clause of the constitution. So in our own State constitution it is provided:

"That the governor shall have the revision of all bills passed by both Houses, before they become laws, but two thirds of both Houses may pass a law notwithstanding his dissent."

Under this clause of our State constitution, the construction has been uniformly given. Two thirds of those voting in each House, if a quorum be present, is all that is required. Again, in another article of our constitution, we have a provision for its amendment, in these words:

"No part of this constitution shall be altered, unless a bill for that purpose, specifying the alteration intended to be made, shall have been read three times in the House of Representatives and three times in the Senate, on three several days in each House, and agreed to by two thirds of each House, respectively; and when any such bill shall be passed, in manner aforesaid, the same shall be published at least six months previous to the next ensuing election for members of the general assembly, and if such alterations, or any of them so proposed, should be agreed to, in the first session thereafter, by two thirds of each branch of the general assembly, after the same shall have been read three times, on three separate days, in each respective House, then, and not otherwise, the same shall become a part of this constitution."

Under this clause, two thirds of each branch of the general assembly has always been held to mean two thirds of those

voting on any proposed amendment—provided a quorum were present. Some of the most important amendments that have been made to the constitution, since its first adoption, was made by a much smaller number than two thirds of the entire House, in either branch. The one establishing the Supreme Court was made by a vote not much over a majority in each House. If a constitution can be thus amended—if this construction holds and obtains in all such cases, both Federal and State, why should it not be held in a similar rule, founded on similar principles in a party convention, especially as that convention had adopted the rules of the House of Representatives of the United States, where always a two-third vote is held to be two thirds of those voting on any question?

It is immaterial with me, then, whether Mr. Douglas got two hundred and twelve, or one hundred and ninety-six, or one hundred and eighty-one and a half, or one hundred and fifty-four, as has been variously contended; in either case he got two thirds of those voting in the convention, as it then stood—as it was then constituted. If there were but one hundred and ninety-six members present when he got one hundred and eighty-one and a half, he got two thirds of the body, according to all our parliamentary rules of construction. And if the Alabama and Louisiana delegates, who voted for him, be counted out, and after reducing his vote to one hundred and fifty-four, as is contended by some, the convention having but one hundred and ninety-six in it, still he had two thirds, according to the same rule or principle of construction which would authorize a bill to be passed over an executive veto, or cause any change to be made in the fundamental law of our own State. I therefore consider him the regularly nominated candidate of the democratic party, and as such entitled to the support of his party.

No other rule of construction can be practically worked. How would it be with Breckinridge and Lane, who are claimed to be the representatives of the national democratic party? In the convention that nominated them, the same two-third rule, if I am not mistaken, was adopted—the old rule of the party, I mean, and not the construction put upon it at Charleston, for with that construction they never could have made a nomination. Their convention consisted of but one hundred and five electoral votes—very little over *one third*, all told, of the electoral vote of the Union—so that if the same construction had been put upon it in that convention, which is insisted should be in the other, they never could have nominated anybody—if they had balloted until doomsday. Then let no man abandon his party on the ground that the candidate was not regularly nominated. So much for this point. I pass to another objection.

This, in the order, relates to the platform. The platform, it is said, is not sound—it is not national—it does not sustain the rights of the South. And what is the platform adopted? I need

not read it—it is known to you all. It is the well-known platform of the party based upon the doctrine of *non-intervention* by Congress with slavery in the States or Territories, as set forth at Cincinnati in 1856, with an additional resolution, affirming the decision of the Supreme Court in the Dred Scott case. Was not this all that our State convention had asked? Was not this platform, even without the additional resolution, sound enough in 1856? Was it not broad enough, and strong enough, for the democracy of the whole Union then? And if so then, why not now? Do principles change so soon? Has any thing occurred since, requiring any new tests? If so, when, and where, and what? Did our northern friends fail to adhere to it? Did they not rather renew their pledge to it, with the additional demand, as to the Dred Scott decision, made by our State convention last December?

If, then, this platform of principles was sufficient to guard and protect our rights, and interest, and honor, in 1856, why is it not in 1860, especially with the additional guarantee given? This question I propound to all candid and reflecting minds. It is one that the country expects an answer to, by those who left the convention because of the principles adopted, and whose secession has produced the strifes and divisions that now pervade the land. The only answer to it I have yet seen has been given by a committee of the seceding delegation from this State. It is in their address, assigning the reasons for their course. It will be recollected that though they quit the convention at Charleston, yet by great efforts made, were by urgent solicitation reappointed to Baltimore, via Richmond. But they did not enter the convention at Baltimore, after they got there, and for not doing so gave these reasons:

“That we are blameless in this matter, seems too plain to admit of a doubt. We could not enter a convention, as a favor, at the sacrifice of principle, and of the honor and sovereignty of our State. Nor have our demands been exorbitant or exacting. We have simply asked for protection for our property from the government which demands our allegiance. These seem to us to be co-relative duties—allegiance to government in return for protection to life, liberty, and property. It appears to us unnecessary to argue the question, for the absolute right of protection to property by the government, in all its branches, is undenied by any man of any party. But the application of this to our slaves, in the territories, is denied, and refused upon the untenable and fanatical ground that property is not recognized in slaves.”

This is signed by three gentlemen who stand high in the estimation of the public. The statement seems to imply, if it means any thing, that the convention to which they had been sent had refused to recognize a universally admitted principle of right, “upon the untenable and fanatical ground that property is not recognized in slaves.” I have nothing to say against the character of these gentlemen. One of them is the Speaker of the House of

Representatives of your State legislature—another a gentleman of position in Savannah, and another an editor with high personal standing in Albany. But I do say that I think it would be a difficult task for them to sustain this statement by proof. What action of the convention justifies it? What part of the platform adopted denied that “property is denied in slaves?” Nay, more, what member of the convention, who refused their demand, holds any such “untenable and fanatical” opinions? Not one, I venture to affirm. Then why was this statement made? They must answer who gave it as the best reason they had why they should be held blameless for the manner in which they performed the great public trust committed to their charge. Seeing no evidence of any such fanatical sentiment in the action of the convention, or on the part of any member of it; having been satisfied with the platform in 1856, and seeing no good reason to change my opinion in relation to it, I am therefore satisfied with it still. It was, in my judgment, good then, and good now, and will be good for all time to come. In its own language, it contains the only wise and safe solution of those sectional questions which have so often fearfully threatened the peace of the Union, and which may yet be its destruction, if the principles therein set forth be departed from. So much, therefore, for the objection to the platform.

I come now to the man. Here, I doubt not, lies the chief one of all the objections. We should have had no secession, no complaint about the want of a two-third vote, no objection to the platform, had any other man been the decided choice of the convention, but Mr. Douglas. The secession was not from principle; not from the manner of voting; but from the man whose strength, in the convention, was far ahead of any of his competitors for the nomination.

Let us, then, examine the objections to him. That he is a man of great ability, all admit. His integrity and purity of character none assail. That he was the favorite of the convention, no one can deny. Whether he really had a majority, or not, as a first choice, no one will pretend but what he had at least three times as many, as a first choice, as any other man before the convention. Then, what are the objections to him, which are sought to justify the rupture of the party because of his nomination?

The sum and substance of their objections, as I understand them, amounts to this, and this only, that he refuses to declare it to be the duty of Congress to do what his assailants say they will not do themselves. They say it is the duty of Congress to protect slavery in the territories, and yet say that they will never discharge this duty by voting for any such law. He refuses to make any such declaration of duty never to be performed. This is about the whole difference between him and his assailants, for all practical purposes, so far as the question of protection is concerned, about which we hear so much. He says, he does not believe it to be his duty to do a certain thing, and therefore will

not do it. They say they believe it to be their duty to do the same thing, but without a therefore or a wherefore say they will not do it.

This seems to me, I repeat, to be the sum and substance of the objections to Mr. Douglas' peculiar views upon the territorial policy of the country; for it is a matter of very little importance, none, practically, whatever, whether the people of a territory have a right to protect or exclude slave property, or whether it is the duty of Congress to pass laws to protect it in the territories, if their legislatures refuse to protect or adopt unfriendly legislation, if this duty on the part of Congress is never to be performed—and that is my understanding of the position of the protectionist.

But it is said that Mr. Douglas entertains views and doctrines inconsistent with the equal rights of the South—that according to his doctrine, slave property in the territories does not stand upon the same footing with other property. This is the substance of the objection, as I have met with it; and, if it be well-founded, it is a good one. I should never advocate the election of any man to the Presidency, who denied the equality of the States, and the equality of rights of the citizens of all the States, both as to person and property in the public territories.

My position on this subject is so well and fully set forth, in what is known as the minority report, at the last June convention of the democratic party at Milledgeville, I will read two of those resolutions:

“Resolved, That we reaffirm the Cincinnati platform, with the following additional propositions:

“1st. That the citizens of the United States have an equal right to settle with their property, of any kind, in the organized territories of the United States, and that under the decision of the Supreme Court of the United States, in the case of Dred Scott, which we recognize as the correct exposition of the constitution in this particular, slave property stands upon the same footing as all other descriptions of property, and that neither the general government, nor any territorial government can destroy or impair the right to slave property in the common territories, any more than the right to any other description of property; that property of all kinds, slaves as well as any other species of property, in the territories, stands upon the same equal and broad constitutional basis, and subject to like principles of recognition and protection in the legislative, judicial, and executive departments of the government.

“2d. That we will support the man who may be nominated by the Baltimore convention for the Presidency who holds the principles set forth in the foregoing proposition, and who will give them his indorsement; and that we will not hold ourselves bound to support any man who may be the nominee who entertains principles inconsistent with those set forth in the above propositions or who denies that slave property in the territories does stand on an equal footing and on the same constitutional basis of other descriptions of property.”

These resolutions were offered in that convention by Hon. H. V. Johnson, our candidate for the Vice-Presidency. They, in my

judgment, set forth true, correct, and sound doctrines, and upon them I stand to-night.

To my amazement, I see the executive committee of the seceding convention at Baltimore have published these resolutions, with a view to show that Gov. Johnson, standing on them, could not support Mr. Douglas. They virtually admit that the principles set forth in them are right, and say, that according to the second resolution offered by Mr. Johnson, before the Georgia convention, we stand pledged not to support, or vote for Mr. Douglas.

Let us see whether they or I am mistaken. Let us see what Mr. Douglas' views upon this subject are? Let him speak for himself. He has spoken often, repeatedly. He is upon the record; and I shall now read his position from the record. Here is what he said in the Senate, on the 23d February, 1859, in a discussion with Mr. Brown, of Mississippi, on this very subject. I read from the *Congressional Globe*. Hear what Mr. Douglas himself says, as to his position:

"We," that is, he and Senator Brown, who goes for Congressional protection, "agree that, under the decision of the Supreme Court of the United States, slaves are property, standing on an equal footing with all other property; and that, consequently, the owner of a slave has the same right to emigrate to a territory and carry his slave property with him, as the owner of any other species of property has to move there and carry his property with him.

"Mr. DOOLITTLE. Will the honorable senator allow me—

"Mr. DOUGLAS. I am replying to the senator from Mississippi now, and would prefer, therefore, to go on.

"Mr. DOOLITTLE. I wish to put a question to the honorable senator from Illinois on that point.

"Mr. DOUGLAS. I desire to deal with this point now. At another time the senator can present his point. The right of transit to and from the territories is the same for one species of property as it is for all others. Thus far, the senator from Mississippi and myself agree that slave property in the territories stands on an equal footing with every other species of property. Now, the question arises, to what extent is property, slaves included, subject to the local law of the territory? Whatever power the territorial legislature has over other species of property, extends, in my judgment, to the same extent, and in like manner, to the slave property. The territorial legislature has the same power to legislate in respect to slaves that it has in regard to any other property, to the same extent, and no further. If the senator wishes to know what power it has over slaves in the territories, I answer, let him tell me what power it has to legislate over every other species of property, either by encouragement or by taxation, or in any other mode, and he has my answer in regard to slave property.

"But the senator says that there is something peculiar in slave property, requiring further protection than other species of property. If so, it is the misfortune of those who own that species of property. He tells us that if the territorial legislature fails to pass a slave-code for the territories, fails to pass police regulations to protect slave property, the absence of such legislation practically excludes slave property, as effectually as a constitutional prohibition would exclude it. I agree to that proposition. He says, furthermore, that it is competent for the territorial legislature,

by the exercise of the taxing power, and other functions within the limits of the constitution, to adopt unfriendly legislation, which practically drives slavery out of the territories. I agree to that proposition. That is just what I said, and all I said, and just what I meant, by my Freeport speech, in Illinois, upon which there has been so much comment throughout the country.

"But, the senator says that while non-action by the territorial legislature excludes slavery; and while the territorial legislature may, within the limits of the federal constitution, adopt such a system of unfriendly legislation, as, in effect to exclude slavery from its limits, yet it is wrong for the legislature to pursue that policy; and, because the territorial legislature ought not to adopt that line of policy, he will not be content with such legislation, but will appeal to Congress and demand a congressional code of laws protecting slavery in the territories, in opposition to the wishes of the people. Well, sir, his conclusion is a logical one, unless my position is right. All men must agree that non-action by the territorial legislature is practical exclusion. If the people of a territory want slavery, they will protect it by a slave-code. If they do not want slavery—if they believe it is not necessary—if they are of opinion that their interests do not require it, or will be prejudiced by it, they will not furnish the necessary remedies and police regulations, usually called a slave-code for its protection."—(*Cong. Globe*, page 1,244, part second, Feb. 23, 1859.)

From this, it clearly appears that Mr. Douglas does recognize property in slaves, and that, in his opinion, this species of property in the territories stands upon the same broad constitutional basis of right and equality as all other kinds of property—and, because it is property, he contends that it is, like all other kinds of property, a rightful subject of legislation by the law-making power in the territory—no more and no less.

But hear him further, in the same speech :

"Mr. GREEN. Will the senator permit me to ask him a single question ?

"Mr. DOUGLAS. Certainly.

"Mr. GREEN. If a law, merely providing protection, is to be called a slave-code, then I ask, if larceny, in general terms, were punished by the territorial law, and the legislature should except the larceny of slaves, would he say he would submit to that, at the option of the legislature.

"Mr. DOUGLAS. It is immaterial to me, whether you call this legislation a slave-code or by any other name. I will call it by any name the Senate chooses. I wish it to be understood, however, and to use such language as conveys the idea. I take the language of the senator from Mississippi, if that is satisfactory. All I have to say, on the point presented by the senator from Missouri, is this : While our constitution does not provide remedies for stealing negroes, it does not provide remedies for stealing dry goods, or horses, or any other species of property. You cannot protect any property in the territories, without laws furnishing remedies for its violation, and penalties for its abuse. Nobody pretends that you are going to pass laws of Congress making a criminal code for the territories, with reference to other species of property.

"The Congress of the United States never yet passed an act creating a criminal code for any organized territory. It simply organizes the territory, and leaves its legislature to make its own criminal code. Congress never passed a law to protect any species of property in the organized territories; it leaves its protection in the territorial legislatures. The question is whether we shall make an exception as to slavery. The

Supreme Court makes no such distinction. It recognizes slaves as property. When they are taken to a territory, they are on an equal footing with other property, and dependent upon the same system of legislation for protection as other property. While all other property is dependent on the territorial legislation for protection, I hold that slave property must look to the same authority for its protection."

And further on, in the same speech, he uses this language—in reply to another inquiry from Senator Brown :

"Mr. DOUGLAS. I am ready to answer any inquiry of the senator from Mississippi, whether, if I believe the Maine liquor law to be unconstitutional and wrong, and if a territorial legislature should pass it, I would vote here to annul? I tell him no.

"If the people of Kansas want a Maine liquor law, let them have it. If they do not want it, and any citizen thinks that law violates the constitution, let him make a case, and appeal to the Supreme Court. If the court sustains his objection, the law is void. If it overrules the objection, the decision must stand until the people, who alone are to be affected by it, may choose to repeal it. So I say with reference to slavery. Let the territorial legislature pass just such laws in regard to slavery as they think they have a right to enact under the constitution of the United States. If I do not like those laws, I will not vote to repeal them; but anybody aggrieved may appeal to the Supreme Court, and if they are constitutional, they must stand; and if they are unconstitutional, they are void. That was the doctrine of non-intervention, as it was understood at the time the Kansas-Nebraska bill was passed. That is the way it was explained and argued in the Senate and in the House of Representatives, and before the country. It was distinctly understood that Congress was never to intervene for or against slavery, or for or against any other institution in the territories, but leave the courts to decide all constitutional questions as they might arise, and the President to carry the decrees of the court into effect; and, in case of resistance to his authority in executing the judicial process, let him use, if necessary, the whole military force of the country, as provided by existing laws."

In these extracts is a full and clear exposition of those views of Mr. Douglas, which have been so fiercely denounced. I have read them to you at large, that you may judge for yourselves whether they put that kind of property upon any other basis in the territories than all other kinds of property; whether all, in his view, does not stand on the same equal constitutional footing. In these views you also have a clear exposition of *non-intervention* or *non-action*, as Mr. Calhoun called it, on the part of Congress. The whole subject of slavery in the territories was to be left to the people, subject to no limitation or restriction but the constitution of the United States. If the territorial legislature passed any law infringing upon the rights of the slaveholder, or the rights of any person holding other kinds of property, either by taxation or any other kind of law, the subject was to be left to the courts, with an appeal to the Supreme Court, but not to Congress. Property of all kinds was put upon the same footing. And so far from Mr. Douglas warring against the decision of the Supreme Court, as is alleged in the last extract read, it appears that he stands pledged

to the execution of the judicial process, whatever it may be, in any case, with the whole military force of the country.

The question I am now presenting is not what his opinions are as to the extent of the power of the territorial legislatures over slaves or other property, but that he puts all upon the same footing, and that they have no more power over rights to slaves than over other kinds of rights of person and property. Their powers over all rightful subjects of legislation, under the constitution, are the same, and to be left to the courts and not to Congress. If he ever uttered a sentiment different from those now presented on this subject, in the many speeches he has made upon it in the Senate, or on the stump, I have never met with it. The other day at Saratoga, in New York, he used this language:—

“I believe in the equality of the States, and in the equal rights of the citizens of all the States in the territories of the United States. Whatever the rights of the citizens of any State may enjoy in the territories pertain alike to the citizens of all the States, and on whatever terms the citizen of any State may move into the territories with his property, the citizen of every other State may go and carry his property, and enjoy the same under the protection of the law.”

If the territorial legislatures pass unconstitutional laws in relation to slave property, or any other kind of property, all alike are to be left to the courts, and not to Congress. In the judicial, executive, and legislative departments of a territorial government, slaves stand upon the same principles of recognition as other property under the constitution of the United States, and entitled to protection on the same principles as other property.

All rights of persons and property of every kind stand upon the same footing. When we advance a step further, and inquire how far a territorial legislature may constitutionally impair the right or usefulness of any kind of property, by any system of laws they may enact, a new question arises. On this I differ with Mr. Douglas. It is not, however, a point involving, in my judgment, either our equality in the Union, our honor as a people, or any principle essential to our security or future safety. It is a matter affecting alone the private rights of those who go into the territories. This difference of opinion between him and those who take the same view of it as I do, it is agreed on both sides, are to be determined by the highest judicial tribunal in the land.

By some, it is contended that this point has already been decided by the Supreme Court in the Dred Scott case. If so, then there is an end of the question. For he has again and again indorsed every principle decided in that case; and all that is necessary is for the executive to see that the decision is carried into effect by the whole military force of the country, if need be.

But, fellow-citizens, there is nothing that men, and even law-

yers, and learned lawyers, differ more widely about than upon the principles embraced in a judicial question. So it is in this case. I am not going into an argument upon its merits; suffice it to say that, in my judgment, principles were decided in that case that would control those involved in a case arising under such a territorial law. But until such a case does arise, it cannot be definitely and judicially settled. He and others who indorse every word of the Dred Scott decision believe, and, I have no doubt, honestly believe, that the principles decided in that case would not control a case arising under a law that might be passed by a territorial legislature.

I have been asked informally two questions, which I will here answer.

The first is: How, differing from Mr. Douglas on this point, as I do, I can give him my support?

I answer, because I look upon the matter as involving no principle of any vital importance.

Practically, it amounts to nothing. With Mr. Douglas' view, slavery will go wherever the people want it, and no law of Congress or a territorial legislature will ever carry it where they do not want it. Under the operation of his principles, whether right or wrong, our right of expansion to the utmost limit of capacity and population is complete; on the question, therefore, of the right or power of the people of an organized territory through their territorial legislature, either directly or indirectly, to exclude slavery while in a territorial condition, and before they come to form a State constitution, I stand where Burke, one of the greatest statesmen that England or any other country ever produced, stood upon the same question of the right or power of the British Parliament to tax the colonies. That was a question upon which great and learned men differed, and so is this; and on this, I say to you to-night, what he said on the other in the House of Commons:

"Sir, I think you must perceive that I am resolved this day to have nothing to do with the question of the right of taxation. Some gentlemen startle, but it is true. I put it totally out of the question. It is less than nothing in my consideration. I do not wonder, nor will you, sir, in that gentlemen of profound learning are fond of displaying it on this profound subject. But my consideration is narrow, confined, and wholly limited to the policy of the question. I do not examine whether the giving away a man's money be a power accepted and reserved out of the general trust of government, and how far all mankind, in all forms of polity, are entitled to an exercise of that right by the charter of nature; or whether, on the contrary, a right of taxation is necessarily involved in the great principle of legislation, and inseparable from the ordinary supreme power. These are deep questions, where great names militate against each other, where reason is perplexed, and an appeal to authorities only quicken confusion. For high and revered authorities lift up their heads on both sides, and there is no sure footing in the middle. This point is the great 'Serbonian bog betwix Damietta and Mount Casius old, where armies whole have sunk.'"

Whether the people of a territory have this right or not, under the constitution, and whatever may be the decision of the Supreme Court on it, I am perfectly willing for them to exercise it. If they have not got it "*ex debito justitia*," I would, if I could, give it to them "*ex gratia*." If they have not got it as matter of right, being one of the essential principles of self-government under our system, as many high authorities believe they have, I would, if I could, grant it to them as matter of favor. This is no new position with me; it is but a repetition of what I said in the House of Representatives on this subject on the 17th of January, 1856; that was before the decision of the Supreme Court. But my opinion as to the *policy* of the question is unchanged. Here is what I then said, and I feel no disposition to modify the sentiments now:—

"Now, sir, as I have stated, I voted for this bill leaving the whole matter to the people to settle for themselves, subject to no restriction or limitation but the constitution. With this distinct understanding of its import and meaning, and with a determination that the existence of this power being disputed and doubted, it would be better and much more consistent with our old time republican principles to let the people settle it than for Congress to do it. And, although my own opinion is that the people, under the limitations of the constitution, have not the rightful power to exclude slavery so long as they remain in a territorial condition, yet I am willing that they may determine it for themselves, and when they please. I shall never negative any law they may pass, if it is the result of a fair legislative expression of the popular will. Never! I am willing that the territorial legislature may act upon the subject when and how they may think proper. We got the congressional restriction taken off.

"The territories were made open and free for immigration and settlement by the people of all the States alike, with their property alike. No odious and unjust discrimination or exclusion against any class or portion; and I am content that those who thus go there from all sections, shall do in this matter as they please under their organic law. I wanted the question taken out of the halls of the national legislation. It has done nothing but disturb the public peace for thirty-five years or more. So long as Congress undertakes to manage it, it will continue to do nothing but stir up agitation and sectional strife. The people can dispose of it better than we can. Why not then, by common consent, drop it at once and forever? Why not you, gentlemen, around me, give up your so-called and so mis-called republican ideas of restoring the Missouri restriction, and let the people in the far off territories of Kansas and Nebraska look after their own condition, present and future, in their own way.

"Is it not much more consistent with Mr. Adams' ideas of republicanism for them to attend to their own domestic matters than for you or us to undertake to do it for them? Let us attend to our own business, and let them attend to theirs. What else keeps this House disorganized and suspends all legislative business? I wish, sir, in voting for the Kansas bill, and in carrying out in good faith the great principles established in 1850—that memorable epoch, the middle of the nineteenth century—and fixing them as the basis and rule of action on the part of the general government in her territorial policy, to get rid of this disturbing question here by referring it unrestrictedly, as far as I could, under the constitution, to

the people. If they have not the power to settle it while a territory, as a matter of absolute right—*ex debita justitia*, I was willing, so far as I was concerned and had the power to do it, to give it to them as a matter of favor—*ex gratia*."

So much, then, for the first question asked me, I see nothing dangerous in these doctrines of Mr. Douglas to our institutions—nothing at war in the least with the great fundamental principles of popular rights upon which the whole fabric of self-government rests. I am perfectly willing for the pioneers of civilization who quit the old States for new homes in the west, to form and regulate their own domestic institutions in their own way, and make all other laws according to their liking. It was in this way our fathers settled this goodly land, and made the wilderness to blossom as the rose. They were all "squatters," in the popular slang of the day. When they wanted slaves of the African race, they had them, and I am perfectly willing that their descendants, with emigrants from all the other States who colonize and settle our broad territories, shall exercise the same rights of self-government that they did. If these opinions make a man a "squatter sovereign," then I am one. Nicknames will never drive me from the maintainance of sound principles.

The other question that has been put to me is: How I can support Mr. Douglas, differing as he and I did upon the Lecompton constitution?

To this I answer. As widely as I differed with him on that measure, I did not differ more widely with him upon it than I did with Mr. Buchanan on the principles announced in his annual message on the same subject. As I did not arraign the patriotism of Mr. Buchanan for my difference with him, so I did not that of Mr. Douglas for my difference with him. My difference with Mr. Buchanan was much more radical on principle than it was with Mr. Douglas. Mr. Buchanan maintained that the constitution of the State was to be submitted to a popular vote for ratification, and if it were not so ratified the State ought not to be admitted under it. This was the tenor of the instructions to Governor Walker, who told the people before the election of delegates to the convention that formed the Lecompton constitution, that if the constitution to be formed by them should not be submitted to them for ratification, the State would not, and ought not, to be admitted under it. This was a great and radical error. It was claiming for Congress jurisdiction over the mode and manner in which a State constitution is to be made, which, in my judgment, was, and is, just as dangerous a doctrine as that which claims for Congress jurisdiction over its subject matter. It was, in short, nothing but the old Missouri question in principle, revived again in a new form. It was at war with all proper ideas of State rights and State sovereignty. But when the Lecompton constitution was presented to Congress, it had not been submitted to the people for ratification as a

whole—only the slavery clause had been submitted. As I did not agree with Mr. Buchanan on the principle that the constitution should be ratified by the people before it should be held good; as I did not consider such a ratification essential to its validity—as I believed that the convention had the right to submit it or not, as they pleased, and to submit the whole or a part, as they pleased, I took the constitution as I found it. I stood upon the strict legality of the record before me.

If Mr. Buchanan, or Governor Walker under him, had given such pledge, I was no party to it. The constitution, as presented to Congress, came stamped with all the forms of regularity: I did not go behind these. Mr. Douglas held that as the people had been led to believe that the constitution would be submitted to them for approval or rejection, as a whole, which had not been done, it would be wrong to receive it, and admit the State under it. He did not put his opposition to it on the grounds of the slavery clause in it, but because the whole constitution had not been fairly submitted for approval or rejection by the people as had been promised. This was the ground of his opposition. I did not permit myself to question, as I do not now, his patriotism in that opposition. It was on like grounds Mr. Crittenden put his opposition. I never questioned his patriotism. It was not because of the slavery clause, as some have charged, that Mr. Crittenden opposed it. I will take this occasion to vindicate him in that particular. I know that truly great man well; and as widely as I have differed from him, not only on the Lecompton question, but upon other questions, I will take this occasion to say that a nobler, truer, and more patriotic spirit breathes not in this broad land, than that of John J. Crittenden.

Mr. Douglas stood side by side with him on it, and I consider him, notwithstanding his position on that question, equally noble, true, and patriotic with his illustrious compeer—so much for the second question.

Having noticed the most prominent objections urged against supporting the national ticket, as I have seen them in the press, I come now, fellow-citizens, to some of the reasons why I give that ticket a warm and cordial support. The points wherein I differ from Mr. Douglas are small, compared with those wherein we agree. Upon all questions of constitutional law he is a strict constructionist—of the straightest sect of the State-rights school. Upon our peculiar institution, so far from being unsound, unsafe, or dangerous on all the essential principles upon which it rests, and its permanency depends, he is on the side of reason and truth. He holds that the negro is of an inferior race—that he is not and cannot be a citizen of the United States—that he was not intended to be embraced in the Declaration of Independence—that subordination to the white race is his natural and normal

condition—that his *status* in society is a question, not of moral right, but one of political and social economy; and that every State and organized community have the right to fix and settle this *status* for themselves.

These are the great principles and truths upon which our system rests, and upon which it must depend on the fields of our battles with the public opinion of the world. On this arena we have got to meet our opponents sooner or later. We live in an age of discussion—all questions of science and arts, morals and governments, must pass this ordeal. The institution of African slavery amongst us cannot escape it. If it does not stand upon the immutable principles of nature, as I believe it does, it must go down. And in the vindication of these great fundamental truths, relating to negro inequality and his natural subordinate position, which lie at the foundation of our social fabric, no man, North or South, or in the world, has displayed more boldness and power than this same much abused and grossly misrepresented Stephen A. Douglas.

No man has ever uttered these, or any other truths, in this country with more peril or hazard to himself. Whether in the Senate or on the hustings, whether at the South or the North—whether before party friends or abolition mobs, he has never shrunk from their utterance from fear, favor, or affection. When duty required him to speak, he has never been silent. See him breasting the anathemas of the three thousand New England clergymen, hurled against him for the defence of your rights, under the constitution. See him at Chicago, imperilling even life itself in vindication of the same cause—your rights under the constitution—and say if it comes with a good grace, from a southern man, to denounce him as an enemy to us or ours.

Was there ever blacker ingratitude, since Adam's first great fall, than such demonstrations against such a man? Were I to remain silent while I hear them, and see him so unjustly slain, by those who know not what they do, I should feel myself to be as guilty of innocent blood as those who stood by and held Stephen's clothes while he was stoned to death. Whatever may be his opinions of popular sovereignty, or squatter sovereignty, or the right of self-government, on the part of all organized communities—call it what you will—they are the same now that they have always been—the same that they were in 1856, when he was the favorite of the Georgia democracy for the Presidency. I thought of his doctrine then just as I do now. If others have changed their opinions since, he has not. It is one of the qualities about him that increases my admiration, that he is no time-server—he does not change with the popular current—he bends to no storm—he maintains his fidelity and integrity to principle through woe as well as through weal.

One of the most manly exhibitions of moral courage and nerve this country ever witnessed, was seen in his contest in Illinois in

1858. With the abolition hosts in front, and all the forces of the administration, so unnaturally and unjustly brought in the rear, he fought the battle single-handed and alone, achieving a victory unparalleled in the history of politics in this country. Why should not such a man receive our support? Not only democratic, but whig and American—a united southern, as well as a national support? Are his principles not national, equal and just to all? Of his associate on the ticket, I need not speak here. Herschel V. Johnson needs no indorsement from any man in Georgia. No son of hers was ever more sensitively alive to all your great and most vital interests. He has been tried in the Senate, and the executive chair, in the highest and most responsible offices, proving himself to be equal to any and every occasion.

Fellow-citizens, there is much more I wish to say—much upon the protection platform of those who call themselves the true democracy; but my strength has failed—I am completely exhausted. I can only add: Look at the questions in all their bearings, to your past records, to your present and future security, and as patriots, do your duty, trust the rest with God.

[Here Mr. S., being unable longer to stand, took his seat. The audience remaining quiet, calls were made for Cumming, Wright, and others; but no one of the gentlemen called for appearing, Mr. Geo. W. Lamar arose on the steps, and announced that Mr. S. would be able to proceed in a few minutes. After some enlivening airs from the brass band, Mr. S. arose, with great physical weakness, and proceeded.]

I do not feel, fellow-citizens, as if, in justice to myself, I ought to attempt to say more to-night; but there is no cause in which I would more willingly die than in the cause of my country; and I would just as soon fall here, at this time, in the advocacy of those principles upon which its past glory has been achieved, its present prosperity, and its future hopes depend, as anywhere else, or on any other occasion. I told you, at the outset, that the signs of the times portend evil. I gave you this as my deliberate judgment; the future must make its own disclosures. But you need not be surprised to see these States, now so peaceful, contented, prosperous, and happy, embroiled in civil war in less than twelve months. There are occasions too grave for excitement, or any appeal to the passions. Believe me, I mean all I say; the most terrific tornadoes, those which demolish cities, destroy whole fleets, and sweep every thing before them, come most unexpectedly. So do the most violent revolutions amongst men. The human passions are the same everywhere. They are dangerous elements for public men, politicians, and party leaders to deal with.

The condition of the country threatens the most violent conflict of sectional feeling, antipathy, and animosity, at no distant day. Should an outbreak occur, where is the power that can control it? A ball may be put in motion by one who cannot stop it; a fire may be kindled by hands that cannot quench it. Those who

begin revolutions seldom end them.} I do not mean to say that the secession movement at Charleston and Baltimore was a disunionist movement, or intended as such by all those who joined in it. I do not mean to say that Messrs. Breckinridge and Lane, who gave that movement their countenance, by accepting nominations under it, are disunionists. I know both these gentlemen well, and doubt not their patriotism. Had either of them, or both, received the nominations from the regular democratic convention, I should have given them as warm a support as I do Messrs. Douglas and Johnson. Neither do I mean to say that the great mass of those who support the seceders' ticket are disunionists—no, far from it. But I do mean to say that the movement, whatever may have been the motives in which it originated, and by which it is countenanced and supported, whether by good men or bad, tends to disunion—to civil strife—may lead to it—and most probably will, unless arrested by the virtue, intelligence, and patriotism of the people. Is the cause assigned sufficient to put in hazard such even probable results? If it is, let the hazard be made; but if not, let us pause and consider. Much as I am attached to the Union, and as clearly convinced as I am that it is best for the interests and welfare of all sections, that it shall be preserved and maintained, if it can be, consistently with the rights, honor and security of all parts, yet I hold it subordinate to these great objects of its formation: life itself, dear as it must be held by all subordinate to essential rights and honor. This is true of individuals, and it is true of States and nations. It was with these views and feelings, the ultimatum of our State was set forth in what is known as the Georgia platform, in 1850. As I did then, so do I now, hold the Union subordinate to the objects therein set forth. On that platform Georgia planted herself then, and on it I trust she will continue to stand. On the principles of that platform I believe the Union ought to be maintained, and can be, if our southern people are but true to themselves.

Now, this secession movement, if pushed to its legitimate consequences, is a departure from those principles. In politics, as in morals, the first false step is the dangerous step. It matters but little what men intend when they set out in error. One step leads the way to another. "*Facilis descensus averno.*" Feelings, views, and objects change as they progress. Ideas that the mind would have revolted at at first, are soon cordially embraced. The Scriptural character of Hazael is a striking illustration of human weakness in this particular. This Charleston secession movement, I say, is founded upon a departure from principle. Not only a departure from the Georgia platform, and from the long-established principles of the national democratic party, but upon an entire change of position of the entire South, of all parties, not of all individuals, in relation to the power and jurisdiction of the Federal government over the subject of African slavery.

I need not be reminded that this was not my position, and

that of a few others. This I know, and if I had that personal vanity that could indulge individual gratification at the remotest hazard of the public welfare, I might now be claiming great credit for myself. All this I am aware of; but I have no such vanity. My position, however, was not that of the South on this question. I was overruled; I yielded to the demands of the South. A settlement of this question was made according to their demands; and with me, when a matter is settled, it is settled forever.

What I affirm is, that the position of the South, for twenty years and more—since the celebrated Atherton resolutions—has been a denial of the jurisdiction of Congress over the subject of slavery in the States and territories. It was upon this denial of jurisdiction that the South resisted the reception of abolition petitions. This position is directly reversed at Charleston and Baltimore.

If we go to Congress with a request, a petition, or demand, to pass a law to protect slavery in the territories, why may not, on the same principle, so far as jurisdiction of the question is concerned, the anti-slavery men of the North go before the same body with their request, petition, or demand, and ask that such law shall not be passed, or that one of the contrary character shall be passed? The door of jurisdiction, which has been closed so long, will be clearly and fully opened by this secession movement, if it is sustained by the people. And I fear it will be like the opening of that great door on the confines of hell, “grating harsh thunder” on its turning hinges, which permitted the escape from the bottomless pit of all the foul fiends with which this once heavenlike earth of ours has been cursed?

I say I fear the most mischievous consequences from this change of position. What is to be gained by it? What is proposed to be gained by it? Do those who favor it ever expect to get a law passed by Congress carrying out the principles of their platform? So far from it, the most prominent of their leaders openly assert that they will never vote for such a law themselves. Mr. Breckinridge, their candidate, has declared in his letter of acceptance just as fully against such a law, as Mr. Douglas ever did. Then what possible good can ever come of the movement, even if an election could be carried by it? But that, all must see, is utterly impossible. Then what is to come of it? What is to be the result? If no good can follow, may not great mischief? This, to me, appears a most palpable and inevitable result.

It may secure the election of the republican candidate. Whether it will succeed in this or not, time alone can disclose. But if it does, what then? Yes, what then? Let those answer who started the movement. To me, it seems clear, that the running of a Breckinridge and Lane ticket, at the South, can have no possible effect but to increase the chances of Mr. Lincoln, which were fearfully close before. With a united democracy, North and South, on the old platform of principles, I should not have

permitted myself to doubt as to the result, under the lead of Mr. Douglas, or Mr. Breckinridge, Mr. Cobb, Mr. Hunter, or any other of the distinguished competitors for the nomination.

But now the only hope is that Mr. Douglas may be able to carry enough northern electoral votes, over Mr. Breckinridge and Lincoln both, to save the country from the excitements and dangers of a republican triumph. This may be done. The news from New York, Illinois, Indiana, and several other northern States is such as to furnish grounds of hope, if not to inspire confidence. But it cannot be done by giving aid and comfort to this seceding movement. On the contrary, it will be done by an effort of patriotism rising superior to, and stronger than, the power of that movement. This is my judgment; I give it to you for what it is worth, consider of it as you think best. I do not give it to you as a partisan; I have no personal or partisan feelings on the subject. In all that I have said, I have been governed solely by considerations of the public good.

[Here Mr. Stephens, after returning thanks to the ladies who had honored the occasion with their presence, and addressing some remarks to them pertinent to the subject, and the influence of women in public affairs, though they took no active part in politics, and appealing to all classes, young and old, fathers, mothers, brothers, sisters, boys, and all, to exert whatever influence they possessed in the cause of their country in this hour of her great need; and expressing hope that, under Providence, the late bright prospect of a great future and high career for our young republic, not yet having reached manhood, might not be cut off and blasted, but that it should continue, for ages to come, to bless untold millions, again took his seat amidst loud and prolonged applause.]

SPEECH AGAINST SECESSION.

DELIVERED BEFORE THE LEGISLATURE OF GEORGIA,

NOVEMBER 14th, 1860.

Mr. Stephens entered the Hall at the hour of 7 P. M., and was greeted with long and rapturous applause. He rose and said:

FELLOW-CITIZENS:—I appear before you to-night at the request of members of the legislature and others, to speak of matters of the deepest interest that can possibly concern us all of an earthly character. There is nothing, no question or subject connected with this life, that concerns a free people so intimately as that of the government under which they live. We are now, indeed, surrounded by evils. Never since I entered upon the public

stage has the country been so environed with difficulties and dangers that threatened the public peace and the very existence of society as now. I do not now appear before you at my own instance. It is not to gratify any desire of my own that I am here. Had I consulted my own ease and pleasure, I should not be before you; but believing that it is the duty of every good citizen, when called on, to give his counsels and views whenever the country is in danger, as to the best policy to be pursued, I am here. For these reasons, and these only, do I bespeak a calm, patient, and attentive hearing.

My object is not to stir up strife, but to allay it; not to appeal to your passions, but to your reason. Good governments can never be built up or sustained by the impulse of passion. I wish to address myself to your good sense, to your good judgment, and if, after hearing, you disagree, let us agree to disagree, and part as we met, friends. We all have the same object, the same interest. That people should disagree in republican governments upon questions of public policy is natural. That men should disagree upon all matters connected with human investigation, whether relating to science or human conduct, is natural. Hence, in free governments parties will arise. But a free people should express their different opinions with liberality and charity, with no acrimony toward those of their fellows, when honestly and sincerely given. These are my feelings to-night.

Let us, therefore, reason together. It is not my purpose to say aught to wound the feelings of any individual who may be present; and if in the ardency with which I shall express my opinions, I shall say any thing which may be deemed too strong, let it be set down to the zeal with which I advocate my own convictions. There is with me no intention to irritate or offend.

Fellow-citizens, we are all launched in the same bark; we are all in the same craft in the wide political ocean—the same destiny awaits us all for weal or for woe. We have been launched in the good old ship that has been upon the waves for three quarters of a century, which has been in many tempests and storms, has many times been in peril, and patriots have often feared that they should have to give it up, yea, have at times almost given it up; but still the gallant ship is afloat. Though new storms now howl around us, and the tempest beats heavily against us, I say to you, don't give up the ship; don't abandon her yet. If she can possibly be preserved, and our rights, interests, and security be maintained, the object is worth the effort. Let us not, on account of disappointment and chagrin at the reverse of an election, give up all as lost; but let us see what can be done to prevent a wreck. [Some one said, The ship has holes in her.] And there may be leaks in her, but let us stop them if we can; many a stout old ship has been saved with richest cargo, after many leaks, and it may be so now. [Cheers.]

I do not, on this occasion, intend to enter into the history of

the reasons or causes of the embarrassments which press so heavily upon us all at this time. In justice to myself, however, I must barely state upon this point that I do think much of it depended upon ourselves. The consternation that has come upon the people is the result of a sectional election of a President of the United States, one whose opinions and avowed principles are in antagonism to our interests and rights, and we believe, if carried out, would subvert the constitution under which we now live. But are we entirely blameless in this matter, my countrymen? I give it to you as my opinion, that but for the policy the southern people pursued, this fearful result would not have occurred. Mr. Lincoln has been elected, I doubt not, by a minority of the people of the United States. What will be the extent of that minority we do not yet know, but the disclosure, when made, will show, I think, that a majority of the constitutional, conservative voters of the country were against him; and had the South stood firmly in the convention at Charleston, on her old platform of principles of non-intervention, there is in my mind but little doubt that whoever might have been the candidate of the national democratic party would have been elected by as large a majority as that which elected Mr. Buchanan or Mr. Pierce. Therefore, let us not be hasty and rash in our action, especially if the result be attributable at all to ourselves. Before looking to extreme measures, let us first see, as Georgians, that every thing which can be done to preserve our rights, our interests, and our honor, as well as the peace of the country in the Union, be first done. [Applause.]

The first question that presents itself is, shall the people of the South secede from the Union in consequence of the election of Mr. Lincoln to the Presidency of the United States? My countrymen, I tell you frankly, candidly, and earnestly, that I do not think that they ought. In my judgment, the election of no man, constitutionally chosen to that high office, is sufficient cause for any State to separate from the Union. It ought to stand by and aid still in maintaining the constitution of the country. To make a point of resistance to the government, to withdraw from it because a man has been constitutionally elected, puts us in the wrong. We are pledged to maintain the constitution. Many of us have sworn to support it. Can we, therefore, for the mere election of a man to the presidency, and that, too, in accordance with the prescribed forms of the constitution, make a point of resistance to the government, without becoming the breakers of that sacred instrument ourselves, by withdrawing ourselves from it? Would we not be in the wrong? Whatever fate is to befall this country, let it never be laid to the charge of the people of the South, and especially to the people of Georgia, that we were untrue to our national engagements. Let the fault and the wrong rest upon others. If all our hopes are to be blasted, if the republic is to go down, let us be found to the last moment standing on the deck

with the constitution of the United States waving over our heads. [Applause.] Let the fanatics of the North break the constitution, if such is their fell purpose. Let the responsibility be upon them. ~~I shall speak presently more of their acts; but let not the South, let us not be the ones to commit the aggression.~~ We went into the election with this people. The result was different from what we wished; but the election has been constitutionally held. Were we to make a point of resistance to the government and go out of the Union on that account, the record would be made up hereafter against us.

But it is said Mr. Lincoln's policy and principles are against the constitution, and that, if he carries them out, it will be destructive of our rights. Let us not anticipate a threatened evil. If he violates the constitution, then will come our time to act. Do not let us break it because, forsooth, he may. If he does, that is the time for us to strike. [Applause.] I think it would be injudicious and unwise to do this sooner. I do not anticipate that Mr. Lincoln will do any thing to jeopard our safety or security, whatever may be his spirit to do it; for he is bound by the constitutional checks which are thrown around him, which at this time render him powerless to do any great mischief. This shows the wisdom of our system. The President of the United States is no emperor, no dictator—he is clothed with no absolute power. He can do nothing unless he is backed by power in Congress. The House of Representatives is largely in a majority against him. In the very face and teeth of the heavy majority which he has obtained in the northern States, there have been large gains in the House of Representatives to the conservative constitutional party of the country, which here I will call the national democratic party, because that is the cognomen it has at the North. There are twelve of this party elected from New York to the next Congress, I believe. In the present House there are but four, I think. In Pennsylvania, New Jersey, Ohio, and Indiana, there have been gains. In the present Congress, there were one hundred and thirteen republicans, when it takes one hundred and seventeen to make a majority. The gains in the democratic party in Pennsylvania, Ohio, New Jersey, New York, Indiana, and other States, notwithstanding its distractions, have been enough to make a majority of nearly fifty in the next House against Mr. Lincoln. Even in Boston, and in England, one of the noted leaders of the fanatics of that section has been defeated, and a conservative man returned in his stead. Is this the time, then, to apprehend that Mr. Lincoln will carry out any of his unconstitutional principles in that factious body?

In the Senate he will also be powerless. There will be a majority of four against him. This, after the loss of Bigler, Fitch, and others, by the unfortunate dissension of the national democratic party in their States. Mr. Lincoln cannot appoint an offi-

cer without the consent of the Senate—he cannot form a cabinet without the same consent. He will be in the condition of George the Third (the embodiment of toryism), who had to ask the whigs to appoint his ministers, and was compelled to receive a cabinet utterly opposed to his views; and so Mr. Lincoln will be compelled to ask of the Senate to choose for him a cabinet, if the democracy of that party chose to put him on such terms. He will be compelled to do this, or let the government stop, if the national democratic men (for that is their name at the North), the conservative men in the Senate, should so determine. Then how can Mr. Lincoln obtain a cabinet which would aid him, or allow him to violate the constitution? Why then, I say, should we disrupt the ties of this Union when his hands are tied—when he can do nothing against us?

I have heard it mooted that no man in the State of Georgia, who is true to her interests, could hold office under Mr. Lincoln. But I ask who appoints to office? Not the President alone; the Senate has to concur. No man can be appointed without the consent of the Senate. Should any man, then, refuse to hold office that was given him by a democratic Senate?

Mr. TOOMBS interrupted, and said, if the Senate was democratic, it was for Breckinridge.

Well, then, continued Mr. STEPHENS, I apprehend that no man could be justly considered untrue to the interests of Georgia, or incur any disgrace, if the interests of Georgia required it, to hold an office which a Breckinridge Senate had given him, even though Mr. Lincoln should be President. [Prolonged applause, mingled with interruptions.]

I trust, my countrymen, you will be still and silent. I am addressing your good sense. I am giving you my views in a calm and dispassionate manner, and if any of you differ with me, you can on some other occasion give your views, as I am doing now, and let reason and true patriotism decide between us. In my judgment, I say, under such circumstances, there would be no possible disgrace for a southern man to hold office. No man will be suffered to be appointed, I have no doubt, who is not true to the constitution, if southern senators are true to their trusts, as I cannot permit myself to doubt that they will be.

My honorable friend, who addressed you last night (Mr. TOOMBS), and to whom I listened with the profoundest attention, asks if we would submit to black republican rule? I say to you and to him, as a Georgian, I never would submit to any black republican aggression upon our constitutional rights.

I will never consent myself, as much as I admire this Union, for the glories of the past or the blessings of the present, as much as it has done for civilization; as much as the hopes of the world hang upon it, I would never submit to aggression upon my rights to maintain it longer; and if they cannot be maintained in the Union standing on the Georgia platform, where I have

stood from the time of its adoption, I would be in favor of disrupting every tie which binds the States together. I will have equality for Georgia, and for the citizens of Georgia, in this Union, or I will look for new safeguards elsewhere. This is my position. The only question now is, can this be secured in the Union? That is what I am counselling with you to-night about. Can it be secured? In my judgment, it may be, but it may not be; but let us do all we can, so that in the future, if the worst comes, it may never be said we were negligent in doing our duty to the last.

My countrymen, I am not of those who believe this Union has been a curse up to this time. True men, men of integrity, entertain different views from me on this subject. I do not question their right to do so; I would not impugn their motives in so doing. Nor will I undertake to say that this government of our fathers is perfect. There is nothing perfect in this world of human origin; nothing connected with human nature, from man himself to any of his works. You may select the wisest and best men for your judges, and yet how many defects are there in the administration of justice? You may select the wisest and best men for your legislators, and yet how many defects are apparent in your laws? And it is so in our government. But that this government of our fathers, with all its defects, comes nearer the objects of all good governments than any other on the face of the earth, is my settled conviction. Contrast it now with any on the face of the earth.

England, said Mr. TOOMBS.

Mr. STEPHENS. England, my friend says. Well, that is the next best, I grant; but I think we have improved upon England. Statesmen tried their apprentice hand on the government of England, and then ours was made. Ours sprung from that, avoiding many of its defects, taking most of the good, and leaving out many of its errors, and from the whole our fathers constructed and built up this model republic—the best which the history of the world gives any account of. Compare, my friends, this government with that of France, Spain, Mexico, the South American republics, Germany, Ireland—(are there any sons of that down-trodden nation here to-night?)—Prussia; or if you travel further east, to Turkey or China. Where will you go, following the sun in its circuit round our globe, to find a government that better protects the liberties of its people, and secures to them the blessings we enjoy. [Applause.] I think that one of the evils that beset us is a surfeit of liberty, an exuberance of the priceless blessings for which we are ungrateful. We listened to my honorable friend who addressed you last night [Mr. TOOMBS] as he recounted the evils of this government. The first was the fishing bounties paid mostly to the sailors of New England. Our friend stated that forty-eight years of our government was under the administration of southern Presidents. Well, these fishing bounties began under

the rule of a southern President, I believe. No one of them during the whole forty-eight years ever set his administration against the principle or policy of them. It is not for me to say whether it was a wise policy in the beginning; it probably was not, and I have nothing to say in its defence. But the reason given for it was to encourage our young men to go to sea, and learn to manage ships. We had at the time but a small navy. It was thought best to encourage a class of our people to become acquainted with seafaring life; to become sailors, to man our naval ships. It requires practice to walk the deck of a ship, to pull the ropes, to furl the sails, to go aloft, to climb the mast; and it was thought by offering this bounty, a nursery might be formed in which young men would become perfected in these arts, and it applied to one section of the country as well as to any other. The result of this was, that in the war of 1812, our sailors, many of whom came from this nursery, were equal to any that England brought against us. At any rate, no small part of the glories of that war were gained by the veteran tars of America, and the object of these bounties was to foster that branch of the national defence. My opinion is, that whatever may have been the reason at first, this bounty ought to be discontinued—the reason for it at first no longer exists. A bill for this object did pass the Senate the last Congress I was in, to which my honorable friend contributed greatly, but it was not reached in the House of Representatives. I trust that he will yet see that he may with honor continue his connection with the government, and that his eloquence, unrivalled in the Senate, may hereafter, as heretofore, be displayed in having this bounty, so obnoxious to him, repealed and wiped off from the statute book.

The next evil that my friend complained of was the tariff. Well, let us look at that for a moment. About the time I commenced noticing public matters, this question was agitating the country almost as fearfully as the slave question now is. In 1832, when I was in college, South Carolina was ready to nullify or secede from the Union on this account. And what have we seen? The tariff no longer distracts the public councils. Reason has triumphed! The present tariff was voted for by Massachusetts and South Carolina. The lion and the lamb lay down together—every man in the Senate and House from Massachusetts and South Carolina, I think, voted for it as did my honorable friend himself. And if it be true, to use the figure of speech of my honorable friend, that every man in the North, that works in iron and brass and wood, has his muscle strengthened by the protection of the government, that stimulant was given by his vote, and I believe every other southern man. So we ought not to complain of that.

MR. TOOMBS. That tariff lessened the duties.

MR. STEPHENS. Yes, and Massachusetts, with unanimity, voted with the South to lessen them, and they were made just as low as southern men asked them to be, and those are the rates they are

now at. If reason and argument with experience produced such changes in the sentiments of Massachusetts from 1832 to 1857, on the subject of the tariff, may not like changes be effected there by the same means, reason and argument, and appeals to patriotism on the present vexed question! and who can say that by 1875 or 1890, Massachusetts may not vote with South Carolina and Georgia upon all those questions that now distract the country and threaten its peace and existence? I believe in the power and efficiency of truth, in the omnipotence of truth, and its ultimate triumph when properly wielded. [Applause.]

Another matter of grievance alluded to by my honorable friend, was the navigation laws. This policy was also commenced under the administration of one of these southern Presidents, who ruled so well, and has been continued through all of them since. The gentleman's views of the policy of these laws and my own do not disagree. We occupied the same ground in relation to them in Congress. It is not my purpose to defend them now. But it is proper to state some matters connected with their origin.

One of the objects was to build up a commercial American marine by giving American bottoms the exclusive carrying trade between our own ports. This is a great arm of national power. This object was accomplished. We have now an amount of shipping not only coast-wise but to foreign countries which puts us in the front ranks of the nations of the world. England can no longer be styled the mistress of the seas. What American is not proud of the result? Whether those laws should be continued is another question. But one thing is certain, no President, northern or southern, has ever yet recommended their repeal. And my friend's effort to get them repealed has met with but little favor North or South.

These then were the three grievances or grounds of complaint against the general system of our government and its workings; I mean the administration of the Federal government. As to the acts of several of the States, I shall speak presently, but these three were the main ones urged against the common head. Now suppose it be admitted that all of these are evils in the system; do they over balance and outweigh the advantages and great good which this same government affords in a thousand innumerable ways that cannot be estimated? Have we not at the South as well as the North, grown great, prosperous and happy under its operation? Has any part of the world ever shown such rapid progress in the development of wealth, and all the material resources of national power and greatness, as the southern States have under the general government, notwithstanding all its defects?

Mr. TOOMBS. In spite of it.

Mr. STEPHENS. My honorable friend says we have, in spite of the general government; that without it I suppose he thinks we might have done as well or perhaps better than we have done.

This grand result is in spite of the government? That may be, and it may not be, but the great fact that we have grown great and powerful under the government as it exists is admitted. There is no conjecture or speculation about that; it stands out bold, high and prominent like your Stone Mountain, to which the gentleman alluded in illustrating home facts in his record—this great fact of our unrivalled prosperity in the Union as it is admitted—whether all this is in spite of the government—whether we of the South would have been better off without the government is, to say the least, problematical. On the one side we can only put the fact against speculation and conjecture on the other. But even as a question of speculation I differ from my distinguished friend. What we would have lost in border wars without the Union, or what we have gained simply by the peace it has secured, is not within our power to estimate. Our foreign trade, which is the foundation of all our prosperity, has the protection of the navy, which drove the pirates from the waters near our coast where they had been buccaneering for centuries before, and might have been still had it not been for the American navy under the command of such a spirit as Commodore Porter. Now that the coast is clear, that our commerce flows freely, outwardly, and inwardly, we cannot well estimate how it would have been under other circumstances. The influence of the government on us is like that of the atmosphere around us. Its benefits are so silent and unseen that they are seldom thought of or appreciated.

We seldom think of the single element of oxygen in the air we breathe, and yet let this simple unseen and unfelt agent be withdrawn, this life-giving element be taken away from this all-pervading fluid around us, and what instant and appalling changes would take place in all organic creation!

It may be that we are all that we are in "spite of the general government," but it may be that without it we should have been far different from what we are now. It is true there is no equal part of the earth with natural resources superior, perhaps, to ours. That portion of this country known as the southern States, stretching from the Chesapeake to the Rio Grande, is fully equal to the picture drawn by the honorable and eloquent senator last night, in all natural capacities. But how many ages, centuries, passed before these capacities were developed, to reach this advanced stage of civilization? There, these same hills, rich in ore, same rivers, same valleys and plains, are as they have been since they came from the hand of the Creator. Uneducated and uncivilized man roamed over them, for how long, no history informs us.

It was only under our institutions that they could be developed. Their development is the result of the enterprise of our people under operations of the government and institutions under which we have lived. Even our people, without these, never would have done it. The organization of society has much

to do with the development of the natural resources of any country or any land. The institutions of a people, political and moral, are the matrix in which the germ of their organic structure quickens into life, takes root, and develops in form, nature, and character. Our institutions constitute the basis, the matrix, from which spring all our characteristics of development and greatness. Look at Greece! There is the same fertile soil, the same blue sky, the same inlets and harbors, the same Ægean, the same Olympus—there is the same land where Homer sung, where Pericles spoke—it is in nature the same old Greece; but it is living Greece no more. [Applause.]

Descendants of the same people inhabit the country; yet what is the reason of this mighty difference? In the midst of present degradation, we see the glorious fragments of ancient works of art—temples with ornaments and inscriptions that excite wonder and admiration, the remains of a once high order of civilization, which have outlived the language they spoke. Upon them all, Ichabod is written—their glory has departed. Why is this so? I answer, their institutions have been destroyed. These were but the fruits of their forms of government, the matrix from which their grand development sprung; and when once the institutions of our people shall have been destroyed, there is no earthly power that can bring back the Promethean spark to kindle them here again, any more than in that ancient land of eloquence, poetry, and song. [Applause.] The same may be said of Italy. Where is Rome, once the mistress of the world? There are the same seven hills now, the same soil, the same natural resources; nature is the same; but what a ruin of human greatness meets the eye of the traveller throughout the length and breadth of that most down-trodden land! Why have not the people of that heaven-favored clime the spirit that animated their fathers? Why this sad difference? It is the destruction of her institutions that has caused it. And, my countrymen, if we shall in an evil hour rashly pull down and destroy those institutions, which the patriotic hand of our fathers labored so long and so hard to build up, and which have done so much for us and for the world, who can venture the prediction that similar results will not ensue? Let us avoid them if we can. I trust the spirit is amongst us that will enable us to do it. Let us not rashly try the experiment of change, of pulling down and destroying, for, as in Greece and Italy, and the South American republics, and in every other place, whenever our liberty is once lost, it may never be restored to us again. [Applause.]

There are defects in our government, errors in our administration, and short-comings of many kinds, but in spite of these defects and errors, Georgia has grown to be a great State. Let us pause here a moment. In 1850 there was a great crisis, but not so fearful as this, for of all I have ever passed through, this

is the most perilous, and requires to be met with the greatest calmness and deliberation.

There were many amongst us in 1850 zealous to go at once out of the Union—to disrupt every tie that binds us together. Now do you believe, had that policy been carried out at that time, we would have been the same great people that we are to-day? It may be that we would, but have you any assurance of that fact? Would we have made the same advancement, improvement, and progress, in all that constitutes material wealth and prosperity that we have?

I notice in the comptroller-general's report that the taxable property of Georgia is six hundred and seventy million dollars, and upwards—an amount not far from double what it was in 1850. I think I may venture to say that for the last ten years the material wealth of the people of Georgia has been nearly if not quite doubled. The same may be said of our advance in education, and every thing that marks our civilization. Have we any assurance that had we regarded the earnest but misguided patriotic advice, as I think, of some of that day, and disrupted the ties which bind us to the Union, we would have advanced as we have? I think not. Well, then, let us be careful now before we attempt any rash experiment of this sort. I know that there are friends whose patriotism I do not intend to question, who think this Union a curse, and that we would be better off without it. I do not so think; if we can bring about a correction of these evils which threaten—and I am not without hope that this may yet be done—this appeal to go out with all the promises for good that accompany it, I look upon as a great, and I fear, a fatal temptation.

When I look around and see our prosperity in every thing—agriculture, commerce, art, science, and every department of progress, physical, mental, and moral—certainly, in the face of such an exhibition, if we can, without the loss of power, or any essential right or interest, remain in the Union, it is our duty to ourselves and to posterity to do so. Let us not unwisely yield to this temptation. Our first parents, the great progenitors of the human race, were not without a like temptation when in the garden of Eden. They were led to believe that their condition would be bettered—that their eyes would be opened—and that they would become as gods. They in an evil hour yielded—instead of becoming gods, they only saw their own nakedness.

I look upon this country with our institutions as the Eden of the world, the Paradise of the universe. It may be that out of it, we may become greater and more prosperous, but I am candid and sincere in telling you that I fear if we yield to passion, and without sufficient cause, shall take that step, that instead of becoming greater or more peaceful, prosperous, and happy—instead of becoming gods, we will become demons, and at no distant day commence cutting one another's throats. This is my apprehen-

sion. Let us, therefore, whatever we do, meet these difficulties, great as they are, like wise and sensible men, and consider them in the light of all the consequences which may attend our action. Let us see first, clearly, where the path of duty leads, and then we may not fear to tread therein.

I come now to the main question put to me, and on which my counsel has been asked. That is, what the present legislature should do in view of the dangers that threaten us, and the wrongs that have been done us by several of our confederate States in the Union, by the acts of their legislatures nullifying the fugitive slave law, and in direct disregard of their constitutional obligations? What I shall say will not be in the spirit of dictation. It will be simply my own judgment for what it is worth. It proceeds from a strong conviction that according to it, our rights, interest, and honor—our present safety and future security can be maintained without yet looking to the last resort, the "*ultima ratio regum*." That should not be looked to until all else fails. That may come. On this point I am hopeful, but not sanguine. But let us use every patriotic effort to prevent it while there is ground for hope.

If any view that I may present, in your judgment, be inconsistent with the best interest of Georgia, I ask you as patriots not to regard it. After hearing me and others whom you have advised with, act in the premises according to your own conviction of duty as patriots. I speak now particularly to the members of the legislature present. There are, as I have said, great dangers ahead. Great dangers may come from the election I have spoken of. If the policy of Mr. Lincoln and his republican associates shall be carried out, or attempted to be carried out, no man in Georgia will be more willing or ready than myself to defend our rights, interest, and honor, at every hazard and to the last extremity. [Applause.] What is this policy? It is, in the first place, to exclude us, by an act of Congress, from the territories with our slave property. He is for using the power of the general government against the extension of our institutions. Our position on this point is, and ought to be, at all hazards, for perfect equality between all the States and the citizens of all the States in the territories, under the constitution of the United States. If Congress should exercise its power against this, then I am for standing where Georgia planted herself in 1850. These were plain propositions which were then laid down in her celebrated platform, as sufficient for the disruption of the Union if the occasion should ever come; on these Georgia has declared that she will go out of the Union; and for these she would be justified by the nations of the earth in so doing. I say the same; I said it then; I say it now, if Mr. Lincoln's policy should be carried out. I have told you that I do not think his bare election sufficient cause; but if his policy should be carried out, in violation of any of the principles set forth in the Georgia platform, that would be such an act of aggression, which ought to be met

as therein provided for. If his policy shall be carried out in repealing or modifying the fugitive slave law so as to weaken its efficacy, Georgia has declared that she will, in the last resort, disrupt the ties of the Union—and I say so too. I stand upon the Georgia platform, and upon every plank in it; and if these aggressions therein provided for take place, I say to you and to the people of Georgia, be ready for the assault when it comes; keep your powder dry, and let your assailants then have lead, if need be. [Applause.] I would wait for an act of aggression. This is my position.

Now, upon another point, and that the most difficult, and deserving your most serious consideration, I will speak. That is the course which this State should pursue toward these northern States which, by their legislative acts, have attempted to nullify the fugitive slave law. I know that in some of these States their acts, pretended to be based upon the principles set forth in the decision of the Supreme Court of the United States, in the case of *Prigg* against Pennsylvania; that decision did proclaim the doctrine that the State officers are not bound to carry out the provisions of a law of Congress, that the federal government cannot impose duties upon State officials—that they must execute their own laws by their own officers. And this may be true. But still it is the duty of the States to deliver fugitive slaves, as well as the duty of the general government to see that it is done.

Northern States, on entering into the federal compact, pledged themselves to surrender such fugitives; and it is in disregard of their constitutional obligations that they have passed laws which even tend to hinder or inhibit the fulfilment of that obligation. They have violated their plighted faith. What ought we to do in view of this? That is the question. What is to be done? By the law of nations you would have a right to demand the carrying out of this article of agreement, and I do not see that it should be otherwise with respect to the States of this Union; and in case it be not done, we would, by these principles, have the right to commit acts of reprisal on these faithless governments, and seize upon their property, or that of their citizens, wherever found. The States of this Union stand upon the same footing with foreign nations in this respect. But by the law of nations we are equally bound, before proceeding to violent measures, to set forth our grievances before the offending government, to give them an opportunity to redress the wrong. Has our State yet done this? I think not.

Suppose it were Great Britain that had violated some compact of agreement with the general government—what would be first done? In that case our minister would be directed in the first instance to bring the matter to the attention of that government, or a commissioner be sent to that country to open negotiations with her, ask for redress, and it would only be after argument and reason had been exhausted in vain that we would take the

last resort of nations. That would be the course toward a foreign government, and toward a member of this confederacy I would recommend the same course. Let us not, therefore, act hastily or ill-temperedly in this matter. Let your committee on the state of the republic make out a bill of grievances; let it be sent by the governor to those faithless States; and if reason and argument shall be tried in vain—if all shall fail to induce them to return to their constitutional obligations, I would be for retaliatory measures, such as the governor has suggested to you. This mode of resistance in the Union is in our power. It might be effectual, and if in the last resort we would be justified in the eyes of nations, not only in separating from them, but by using force. [Some one said the argument was already exhausted.]

Mr. STEPHENS continued:

Some friend says that the argument is already exhausted. No, my friend, it is not. You have never called the attention of the legislatures of those States to this subject that I am aware of. Nothing on this line has ever been done before this year. The attention of our own people has been called to the subject lately.

Now, then, my recommendation to you would be this. In view of all these questions of difficulty, let a convention of the people of Georgia be called, to which they may be all referred. Let the sovereignty of the people speak. Some think that the election of Mr. Lincoln is cause sufficient to dissolve the Union. Some think those other grievances are sufficient to dissolve the same, and that the legislature has the power thus to act, and ought thus to act. I have no hesitancy in saying that the legislature is not the proper body to sever our federal relations, if that necessity should arise. An honorable and distinguished gentleman, the other night (Mr. T. R. R. Cobb), advised you to take this course—not to wait to hear from the cross-roads and groceries.

I say to you, you have no power so to act. You must refer this question to the people, and you must wait to hear from the men at the cross-roads and even the groceries; for the people of this country, whether at the cross-roads or groceries, whether in cottages or palaces, are all equal, and they are the sovereigns in this country. Sovereignty is not in the legislature. We, the people, are sovereigns. I am one of them, and have a right to be heard; and so has every other citizen of the State. You legislators—I speak it respectfully—are but our servants. You are the servants of the people, and not their masters. Power resides with the people in this country. The great difference between our country and all others, such as France, and England and Ireland, is, that here there is popular sovereignty, while their sovereignty is exercised by kings and favored classes. This principle of popular sovereignty, however much derided lately, is the foundation of our institutions. Constitutions are but the channels through which the popular will may be expressed. Our constitution came

from the people. They made it, and they alone can rightfully unmake it.

Mr. TOOMBS. I am afraid of conventions.

Mr. STEPHENS. I am not afraid of any convention legally chosen by the people. I know no way to decide great questions affecting fundamental laws except by representatives of the people. The constitution of the United States was made by the representatives of the people in convention. The constitution of the State of Georgia was made by representatives of the people in convention, chosen at the ballot-box. Let us, therefore, now have a convention chosen by the people. But do not let the question which comes before the people be put to them in the language of my honorable friend who addressed you last night: "Will you submit to abolition rule, or resist?"

Mr. TOOMBS. I do not wish the people to be cheated.

Mr. STEPHENS. Now, my friends, how are we going to cheat the people by calling on them to elect delegates to a convention to decide all these questions, without any dictation or direction? Who proposes to cheat the people by letting them speak their own untrammelled views in the choice of their ablest and best men, to determine upon all these matters involving their peace?

I think the proposition of my honorable friend had a considerable smack of unfairness, not to say cheat. He wishes to have no convention, but for the legislature to submit this question to the people, "submission to abolition rule or resistance." Now, who in Georgia would vote, "submission to abolition rule?" [Laughter.]

Is putting such a question to the people to vote on, a fair way of getting an expression of the popular will on all these questions? I think not. Now, who in Georgia is going to submit to abolition rule?

Mr. TOOMBS. The convention will.

Mr. STEPHENS. No, my friend, Georgia will not do it. The convention will not recede from the Georgia platform. Under that there can be no abolition rule in the general government. I am not afraid to trust the people in convention upon this and all other questions. Besides, the legislature was not elected for such a purpose. They came here to do their duty as legislators. They have sworn to support the constitution of the United States. They did not come here to disrupt this government. I am, therefore, for submitting all these questions to a convention of the people. To submit these questions to the people, whether they would submit to abolition rule or resist, and then for the legislature to act on that vote, would be an insult to the people.

But how will it be under this arrangement if they should vote to resist, and the legislature should re-assemble with this vote as their instructions? Can any man tell what sort of resistance will be meant? One man would say secede; another pass retaliatory measures—these are measures of resistance against wrong

--legitimate and right--and there would be as many different ideas as there are members on this floor. Resistance don't mean secession—that is no proper sense of the term resistance. Believing that the times require action, I am for presenting the question fairly to the people, for calling together an untrammelled convention, and presenting all the questions to them whether they will go out of the Union, or what course of resistance in the Union they may think best, and then let the legislature act, when the people in their majesty are heard, and I tell you now, whatever that convention does, I hope and trust our people will abide by. I advise the calling of a convention, with the earnest desire to preserve the peace and harmony of the State. I should dislike, above all things, to see violent measures adopted, or a disposition to take the sword in hand, by individuals, without the authority of law.

My honorable friend said last night, "I ask you to give me the sword, for if you do not give it to me, as God lives, I will take it myself."

Mr. TOOMBS. I will. [Great applause on the other side.]

Mr. STEPHENS. I have no doubt that my honorable friend feels as he says. It is only his excessive ardor that makes him use such an expression; but this will pass off with the excitement of the hour. When the people in their majesty shall speak, I have no doubt he will bow to their will, whatever it may be, upon the "sober second thought." [Applause.]

Should Georgia determine to go out of the Union, I speak for one, though my views might not agree with them, whatever the result may be, I shall bow to the will of her people. Their cause is my cause, and their destiny is my destiny; and I trust this will be the ultimate course of all. The greatest curse that can befall a free people, is civil war.

But, as I said, let us call a convention of the people. Let all these matters be submitted to it, and when the will of a majority of the people has thus been expressed, the whole State will present one unanimous voice in favor of whatever may be demanded; for I believe in the power of the people to govern themselves, when wisdom prevails and passion does not control their actions. Look at what has already been done by them, in their advancement in all that ennobles man! There is nothing like it in the history of the world. Look abroad from one extent of the country to the other; contemplate our greatness. We are now among the first nations of the earth. Shall it be said, then, that our institutions, founded upon the principles of self-government, are a failure?

Thus far, it is a noble example, worthy of imitation. The gentleman, (MR. COBB,) the other night, said it had proven a failure. A failure in what? In growth? Look at our expanse in national power. Look at our population and increase in all that makes a people great. A failure! why we are the admira-

tion of the civilized world, and present the brightest hopes of mankind.

Some of our public men have failed in their aspirations; that is true, and from that comes a great part of our troubles. [Prolonged applause.]

No, there is no failure of this government yet. We have made great advancement under the constitution, and I cannot but hope that we shall advance higher still. Let us be true to our trust.

Now, when this convention assembles, if it shall be called, as I hope it may, I would say, in my judgment, without dictation, for I am conferring with you freely and frankly, and it is thus that I give my views, it should take into consideration all those questions which distract the public mind; should view all the grounds of secession so far as the election of Mr. Lincoln is concerned; and I can but hope, if reason is unbiassed by passion, that they would say that the constitutional election of no man is a sufficient cause to break up the Union, but that the State should wait until he, at least, does some unconstitutional act.

Mr. TOOMBS. Commit some overt act?

Mr. STEPHENS. No, I did not say that. The word overt is a sort of technical term connected with treason, which has come to us from the mother country, and it means an open act of rebellion. I do not see how Mr. Lincoln can do this unless he should levy war upon us. I do not, therefore, use the word overt. I do not intend to wait for that. But I use the word unconstitutional act, which our people understand much better, and which expresses just what I mean. But as long as he conforms to the constitution, he should be left to exercise the duties of his office.

In giving this advice, I am but sustaining the constitution of my country, and I do not thereby become a "Lincoln aid man" either, [applause,] but a constitutional aid man. But this matter the convention can determine.

As to the other matter, I think we have a right to pass retaliatory measures, provided they be in accordance with the constitution of the United States; and I think they can be made so. But whether it would be wise for this legislature to do this now, is the question. To the convention, in my judgment, this matter ought to be referred. Before making reprisals, we should exhaust every means of bringing about a peaceful settlement of the controversy. Thus did General Jackson in the case of the French. He did not recommend reprisals until he had treated with France and got her to promise to make indemnification, and it was only on her refusal to pay the money which she had promised that he recommended reprisals. It was after negotiation had failed. I do think, therefore, that it would be best before going to extreme measures, with our confederate States, to make the presentation of our demands, to appeal to their reason and judgment, to give us our rights. Then if reason should not triumph, it will be time enough to commit reprisals, and we should be justified in the eyes

of a civilized world. At least, let these offending and derelict States know what your grievances are, and if they refuse, as I said, to give us our rights under the constitution, I should be willing, as a last resort, to sever the ties of our Union with them. [Applause.]

My own opinion is, that if this course be pursued, and they are informed of the consequences of refusal, these States will recede, will repeal their nullifying acts; but if they should not, then let the consequences be with them, and the responsibility of the consequences rest upon them. Another thing I would have that convention to do. Re-affirm the Georgia platform with an additional plank in it. Let that plank be the fulfilment of these constitutional obligations on the part of those States—their repeal of these obnoxious laws as the condition of our remaining in the Union. Give them time to consider it, and I would ask all States south to do the same thing.

I am for exhausting all that patriotism demands before taking the last step. I would invite, therefore, South Carolina to a conference. I would ask the same of all the other southern States, so that if the evil has got beyond our control, which God in his mercy grant may not be the case, we may not be divided among ourselves; [cheers,] but if possible, secure the united co-operation of all the southern States, and then, in the face of the civilized world, we may justify our action, and with the wrong all on the other side, we can appeal to the God of battles, if it comes to that, to aid us in our cause. [Loud applause.] But do nothing in which any portion of our people may charge you with rash or hasty action. It is certainly a matter of great importance to tear this government asunder. You were not sent here for that purpose. I would wish the whole South to be united, if this is to be done; and I believe if we pursue the policy which I have indicated, this can be effected.

In this way our sister southern States can be induced to act with us; and I have but little doubt that the States of New York, and Pennsylvania, and Ohio, and the other western States, will compel their legislatures to recede from their hostile attitude, if the others do not. Then with these we would go on without New England, if she chose to stay out.

A voice in the assembly—"We will kick them out."

MR. STEPHENS. No: I would not kick them out. But if they chose to stay out, they might. I think, moreover, that these northern States, being principally engaged in manufactures, would find that they had as much interest in the Union under the constitution as we, and that they would return to their constitutional duty—this would be my hope. If they should not, and if the middle States, and western States do not join us, we should at least have an undivided South. I am, as you clearly perceive, for maintaining the Union as it is, if possible. I will exhaust every means thus to maintain it with an equality in it.

My position, then, in conclusion, is for the maintenance of the honor, the rights, the equality, the security, and the glory of my native State in the Union if possible; but if these cannot be maintained in the Union, then I am for their maintenance, at all hazards, out of it. Next to the honor and glory of Georgia, the land of my birth, I hold the honor and glory of our common country. In Savannah I was made to say by the reporters, who very often make me say things which I never did, that I was first for the glory of the whole country, and next for that of Georgia. I said the exact reverse of this. I am proud of her history, of her present standing. I am proud even of her motto, which I would have duly respected at the present time by all her sons—"Wisdom, Justice, and Moderation." I would have her rights and that of the southern States maintained now upon these principles. Her position now is just what it was in 1850, with respect to the southern States. Her platform then established was subsequently adopted by most, if not all the other southern States. Now, I would add but one additional plank to that platform, which I have stated, and one which time has shown to be necessary, and if that shall likewise be adopted in substance by all the southern States, all may yet be well. But if all this fails, we shall at least have the satisfaction of knowing that we have done our duty and all that patriotism could require.

Mr. Stephens then took his seat amidst great applause.

[On loud calls for Hon. Henry R. Jackson, that gentleman arose and addressed the assembly for about half an hour, mainly in opposition to some of the positions of Mr. Stephens. He was loudly applauded by his side. When he got through, Mr. Stephens again rose and rejoined in substance as follows:]

He had hoped that what he had said might have been permitted to be considered and reflected upon by those to whom it had been addressed, in that spirit of coolness with which it had been delivered. He had come to do what he could to allay excitement, and to let the dispassionate judgment of the members of the legislature have its own course. One or two points only would he reply to the gentleman on.

He (Mr. Jackson) said that the people of ancient Greece and Rome had lost their liberties when they refused to fight for them. No, my countrymen, said Mr. Stephens, they lost their liberties when they fell a prey to internal dissensions amongst themselves. As long as they were united, as long as Athens, Corinth and Sparta, and others of the Amphyctionic leagues acted harmoniously, they were more than a match for any enemy that ever came against them. This, Philip of Macedon was aware of, and his policy toward them was, to sow strife amongst them. His motto was to divide and conquer. Civil strife was the cause of Greece's overthrow; so it was with Rome. It was the strife between Marius and Sylla, Pompey and Cæsar, and the civil wars that ensued, that caused the overthrow of that great republic. It was

when there were parties of Marius and Sylla, and for Cæsar and Pompey, and none for Rome, and those parties got to fighting amongst themselves, that the liberties of the people were lost—that their constitution was destroyed. It had been so in France and all other republics. Mexico is in this sad condition now. The blackest page in the history of the world, was that on which were recorded the butcheries in the French revolution, committed by each faction on the other as they successively triumphed in turn. Desmoulins, Danton, Robespierre, all went to the guillotine. So it may be in this country. Our people are by nature no better than others. When the human passions are once unbridled, men become little better than fiends. Liberty was never the fruit of such strife. He made an earnest appeal to all well-wishers of the peace of society—to all law and order men to keep cool, and not let excitement influence their sound judgment.

Some allusion was made to Mr. Breckinridge. Mr. Stephens said that he had seen it stated that he was coming South to address the people in behalf of preserving the Union, if it could be done. He did not know whether it was true or not.

Mr. TOOMBS said it was not true.

Mr. STEPHENS said he did not know whether it was or not. Such a telegraphic dispatch had been published.

Some question was asked about Mr. Douglas' answer to the Norfolk questions.

Mr. STEPHENS said that Mr. Douglas had said in substance, that the bare election of any man to the Presidency, was not a cause for a State to secede; and if Mr. Lincoln should be elected, he ought to be inaugurated and sustained in all his constitutional acts. But if he violated the constitution, then he would aid in hanging him higher than the Virginians hung John Brown. Mr. Breckinridge had not answered those questions, but Mr. Stephens took it for granted that he agreed with Mr. Douglas; for he considered in his Lexington speech, a suspicion of his entertaining disunion sentiments, an imputation on his character. He treated with indignity such a charge; and his supporters in Georgia had certainly run him upon the avowal everywhere, that he was a Union man. Mr. STEPHENS again resumed his seat, in the midst of great applause.



RULES FOR THE GOVERNMENT OF THE CONFEDERATE CONGRESS. MONTGOMERY, ALABAMA, 1861.

MR. STEPHENS, from the Committee on Rules, made the following report:

I. The vote upon all questions in this Congress except as hereafter otherwise provided shall be taken by States; each State shall be entitled to one vote. A majority of all the States repre-

sented shall be necessary to carry any question. The delegates from each State may designate the member to cast the vote for their State, and upon the motion of any member seconded by one fifth of the members present, or at the instance of any one State, the yeas and nays of the entire body shall be spread upon the journals upon any question.

II. Any number of members from a majority of the States now represented or hereafter to be represented by duly accredited delegates from States seceding from the United States of America, shall constitute a quorum to transact business.

III. The President having taken the chair, and a quorum being present, the journal of the preceding day shall be read, and any mistakes in the entries shall upon motion then be corrected.

IV. No member shall speak to another, or otherwise interrupt the business of the Congress while the journals or public papers are being read, or when any member is speaking in debate.

V. Every member when he speaks shall address the Chair standing in his place, and when he has finished shall sit down.

VI. No member shall speak more than twice in any one debate on the same question and on the same day, without leave of a majority of the members present.

VII. When two or more members rise at the same time, the President shall name the person to speak, but in all cases the member who shall first rise and address the chair shall speak first.

VIII. The President shall preserve order and decorum ; may speak to points of order in preference to other members, rising from his seat for that purpose ; and shall decide questions of order subject to an appeal by any one State ; and may call any member to the Chair to preside temporarily not to extend beyond that day's session. He may participate in the debates.

IX. When any member is called to order by the President or any member, he shall sit down, and every question of order shall be decided by the President without debate, subject to an appeal to the body.

X. If any member be called to order by another member for words spoken, the exceptionable words spoken shall immediately be taken down in writing, that the President may be better able to judge the matter.

XI. No member shall in debate use any language reflecting injuriously upon the character, motives, honor or integrity of any other member.

XII. No motion shall be debated until the same shall receive a second ; and when a motion shall be made and seconded, it shall be reduced to writing, if desired by the President or any member, delivered in at the table and read, before the same shall be debated.

XIII. Any motion or proposition may be withdrawn by the mover at any time before a decision, amendment, or other action

of the body upon it, except a motion to reconsider, which shall not be withdrawn without leave of the body.

XIV. When a question has been once made and carried in the affirmative or negative, a motion to reconsider shall be entertained at the instance of any State, if made on the same day on which the vote was taken, or within the two next days of actual session. When a motion to reconsider shall be made, its consideration shall take precedence of the regular order of business, unless a majority of the members present shall fix some other time.

XV. When a question is under debate, no motion (except one to reconsider some other question passed upon) shall be received but to adjourn, to lie on the table, to postpone indefinitely, to postpone to a day certain, to commit or amend, which several motions shall have precedence in the order they stand arranged, and the motion to adjourn shall always be in order, and decided without debate.

XVI. If the question for decision contain several parts, any member may have the same divided, but on a motion to strike out and insert, it shall not be in order to move for a division of the question; but the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition, nor prevent a subsequent proposition simply to strike out, nor shall the rejection of a motion simply to strike out, prevent a subsequent motion to strike out and insert.

XVII. In filling up blanks the largest sum and longest time shall be first put.

XVIII. The unfinished business in which the Congress may be engaged on adjournment shall be the first business in order on the next day's sitting.

XIX. After the journal is read, and the unfinished business, if any, of the previous day's sitting is disposed of, the regular order of business shall be as follows:

1. The call of the States, alphabetically, for memorials, or any matter, measure, resolution, or proposition which any member may desire to bring before the Congress.

2. The call of committees for reports—the call of the committees to be made in the order of their appointment—such reports of committees as may not be otherwise disposed of when made, shall be numbered in the order in which they are presented and be placed in that order on the calendar of the regular orders of the day.

3. The calendar, or the regular orders of the day shall then be taken up, and every resolution, proposition, or measure, shall be disposed of in the order in which it there stands. No special order shall be made against this rule, except by a vote of a majority of the States, and such majority may, at any time, change the order of business.

XX. Every resolution or measure submitted for the action of

the Congress shall receive three readings previous to its being passed; the President shall give notice at each reading whether it be the first, second, or third reading. No resolution or measure shall be committed or amended until it shall have been twice read, after which it may be subject to motion to amend or to refer to a committee. And all such matters on second reading shall first be considered by the Congress in the same manner as if the Congress were in Committee of the Whole; the final question on the second reading of any matter not referred to a committee, shall be "whether it shall be engrossed and read a third time," and no amendment shall be received after the engrossment for a third reading has been ordered. But it shall at all times be in order before the final passage or action on any matter, to move its commitment, and should such commitment take place, and any amendment be reported by the committee, the whole shall be again read a second time and considered as in committee of the whole, and then the aforesaid question shall be again put.

XXI. After any matter is ordered to be engrossed and it has been read a third time the question shall be, shall the resolution (or the matter whatever it may be) now pass?

XXII. All resolutions or other matter on the second and third reading may be read by the title, unless the reading of the whole shall be desired by a majority of those present.

XXIII. The titles of resolutions and other matters submitted, and such parts thereof only as shall be affected by proposed amendments, shall be inserted on the journals.

XXIV. No motion for the previous question shall be entertained: but upon the call of any member for "The Question," if seconded by a majority of the States present, the vote shall be immediately taken on the pending question, whatever it may be, without further debate.

XXV. A motion to lay any amendment on the table prevailing, shall carry with it only the amendment, and not the original proposition or matter.

XXVI. Stenographers and reporters for the press, wishing to take down the proceedings of the Congress, may be admitted by the president, who shall assign such places to them on the floor, to effect their object as shall not interfere with the convenience of the members when in open session.

XXVII. On motion, made and seconded by another member, to close the doors on the discussion of any business, which may in the opinion of a member require secrecy, the president shall direct the doors to be closed and the gallery to be cleared, and during the discussion of such question, no one shall be permitted to remain upon the floor but the members of the body and its officers.

XXVIII. Any officer or member of the Congress, convicted of disclosing any matter directed by the body to be held in con-

fidence, shall be liable, if an officer, to dismissal from service, and in case of a member, to suffer expulsion from the body.

XXIX. All motions to print extra copies of any bill, report, or other document, shall be referred to the committee on printing.

XXX. All propositions affecting our foreign relations, or looking to the public defence, shall be submitted to the Congress while in secret session.

XXXI. All cases that may arise in the proceedings of this Congress, not provided for in the foregoing rules, shall be governed by the general principles of parliamentary law as laid down in Jefferson's Manual.



SPEECH DELIVERED ON THE 21ST MARCH, 1861, IN SAVANNAH, KNOWN AS "THE CORNER STONE SPEECH," REPORTED IN THE SAVANNAH REPUBLICAN.

At half past seven o'clock on Thursday evening, the largest audience ever assembled at the Athenæum was in the house, waiting most impatiently for the appearance of the orator of the evening; Hon. A. H. Stephens, Vice-President of the Confederate States of America. The committee, with invited guests, were seated on the stage, when, at the appointed hour, the Hon. C. C. Jones, Mayor, and the speaker, entered, and were greeted by the immense assemblage with deafening rounds of applause.

The Mayor then, in a few pertinent remarks, introduced Mr. Stephens, stating that at the request of a number of the members of the convention, and citizens of Savannah and the State, now here, he had consented to address them upon the present state of public affairs.

Mr. STEPHENS rose and spoke as follows :

*Mr. Mayor, and Gentlemen of the Committee, and Fellow-Citizens :—*For this reception you will please accept my most profound and sincere thanks. The compliment is doubtless intended as much, or more, perhaps, in honor of the occasion, and my public position, in connection with the great events now crowding upon us, than to me personally and individually. It is however none the less appreciated by me on that account. We are in the midst of one of the greatest epochs in our history. The last ninety days will mark one of the most memorable eras in the history of modern civilization.

[There was a general call from the outside of the building for the speaker to go out, that there were more outside than in.]

The Mayor rose and requested silence at the doors, that Mr. Stephens' health would not permit him to speak in the open air.

Mr. STEPHENS said he would leave it to the audience whether he

should proceed indoors or out. There was a general cry indoors, as the ladies, a large number of whom were present, could not hear outside.

Mr. STEPHENS said that the accommodation of the ladies would determine the question, and he would proceed where he was.

[At this point the uproar and clamor outside was greater still for the speaker to go out on the steps. This was quieted by Col. Lawton, Col. Freeman, Judge Jackson, and Mr. J. W. Owens going out and stating the facts of the case to the dense mass of men, women, and children who were outside, and entertaining them in brief speeches—Mr. Stephens all this while quietly sitting down until the furor subsided.]

Mr. STEPHENS rose and said: When perfect quiet is restored, I shall proceed. I cannot speak so long as there is any noise or confusion. I shall take my time—I feel quite prepared to spend the night with you if necessary. [Loud applause.] I very much regret that every one who desires cannot hear what I have to say. Not that I have any display to make, or any thing very entertaining to present, but such views as I have to give, I wish *all*, not only in this city, but in this State, and throughout our Confederate Republic, could hear, who have a desire to hear them.

I was remarking, that we are passing through one of the greatest revolutions in the annals of the world.—Seven States have within the last three months thrown off an old government and formed a new. This revolution has been signally marked, up to this time, by the fact of its having been accomplished without the loss of a single drop of blood. [Applause.]

This new constitution, or form of government, constitutes the subject to which your attention will be partly invited. In reference to it, I make this first general remark. It amply secures all our ancient rights, franchises, and liberties. All the great principles of Magna Charta are retained in it. No citizen is deprived of life, liberty, or property, but by the judgment of his peers under the laws of the land. The great principle of religious liberty, which was the honor and pride of the old constitution, is still maintained and secured. All the essentials of the old constitution, which have endeared it to the hearts of the American people, have been preserved and perpetuated. [Applause.] Some changes have been made. Of these I shall speak presently. Some of these I should have preferred not to have seen made; but these, perhaps, meet the cordial approbation of a majority of this audience, if not an overwhelming majority of the people of the Confederacy. Of them, therefore, I will not speak. But other important changes do meet my cordial approbation. They form great improvements upon the old constitution. So, taking the whole new constitution, I have no hesitancy in giving it as my judgment that it is decidedly better than the old. [Applause.]

Allow me briefly to allude to some of these improvements. The question of building up class interests, or fostering one branch of industry to the prejudice of another under the exercise of the revenue power, which gave us so much trouble under the old constitution, is put at rest forever under the new. We allow the imposition of no duty with a view of giving advantage to one class of persons, in any trade or business, over those of another. All, under our system, stand upon the same broad principles of perfect equality. Honest labor and enterprise are left free and unrestricted in whatever pursuit they may be engaged. This subject came well nigh causing a rupture of the old Union, under the lead of the gallant Palmetto State, which lies on our border, in 1833. This old thorn of the tariff, which was the cause of so much irritation in the old body politic, is removed forever from the new. [Applause.]

Again, the subject of internal improvements, under the power of Congress to regulate commerce, is put at rest under our system. The power claimed by construction under the old constitution, was at least a doubtful one—it rested solely upon construction. We of the South, generally apart from considerations of constitutional principles, opposed its exercise upon grounds of its inexpediency and injustice. Notwithstanding this opposition, millions of money, from the common treasury had been drawn for such purposes. Our opposition sprang from no hostility to commerce, or all necessary aids for facilitating it. With us it was simply a question, upon *whom* the burden should fall. In Georgia, for instance, we have done as much for the cause of internal improvements as any other portion of the country according to population and means. We have stretched out lines of railroads from the seaboard to the mountains; dug down the hills, and filled up the valleys at a cost of not less than twenty-five millions of dollars. All this was done to open an outlet for our products of the interior, and those to the west of us, to reach the marts of the world. No State was in greater need of such facilities than Georgia, but we did not ask that these works should be made by appropriations out of the common treasury. The cost of the grading, the superstructure, and equipments of our roads, was borne by those who entered on the enterprise. Nay, more—not only the cost of the iron, no small item in the aggregate cost, was borne in the same way—but we were compelled to pay into the common treasury several millions of dollars for the privilege of importing the iron, after the price was paid for it abroad. What justice was there in taking this money, which our people paid into the common treasury on the importation of our iron, and applying it to the improvement of rivers and harbors elsewhere?

The true principle is to subject the commerce of every locality, to whatever burdens may be necessary to facilitate it. If Charleston harbor needs improvement, let the commerce of Charleston bear the burden. If the mouth of the Savannah river has

to be cleared out, let the sea-going navigation which is benefitted by it, bear the burden. So with the mouths of the Alabama and Mississippi river. Just as the products of the interior, our cotton, wheat, corn, and other articles, have to bear the necessary rates of freight over our railroads to reach the seas. This is again the broad principle of perfect equality and justice. [Applause.] And it is especially set forth and established in our new constitution.

Another feature to which I will allude, is that the new constitution provides that cabinet ministers and heads of departments may have the privilege of seats upon the floor of the Senate and House of Representatives—may have the right to participate in the debates and discussions upon the various subjects of administration. I should have preferred that this provision should have gone further, and required the President to select his constitutional advisers from the Senate and House of Representatives. That would have conformed entirely to the practice in the British Parliament, which, in my judgment, is one of the wisest provisions in the British constitution. ~~It is the only feature that saves that government. It is that which gives it stability in its facility to change its administration.~~ Ours, as it is, is a great approximation to the right principle.

Under the old constitution, a secretary of the treasury for instance, had no opportunity, save by his annual reports, of presenting any scheme or plan of finance or other matter. He had no opportunity of explaining, expounding, enforcing, or defending his views of policy; his only resort was through the medium of an organ. In the British parliament, the premier brings in his budget and stands before the nation responsible for its every item. If it is indefensible, he falls before the attacks upon it, as he ought to. ~~This will now be the case to a limited extent under our system.~~ In the new constitution, provision has been made by which our heads of departments can speak for themselves and the administration, in behalf of its entire policy, without resorting to the indirect and highly objectionable medium of a newspaper. It is to be greatly hoped that under our system we shall never have what is known as a government organ. [Rapturous applause.]

[A noise again arose from the clamor of the crowd outside, who wished to hear Mr. Stephens, and for some moments interrupted him. The mayor rose and called on the police to preserve order. Quiet being restored, Mr. S. proceeded.]

Another change in the constitution relates to the length of the tenure of the presidential office. In the new constitution it is six years instead of four, and the President rendered ineligible for a re-election. This is certainly a decidedly conservative change. It will remove from the incumbent all temptation to use his office or exert the powers confided to him for any objects of personal ambition. The only incentive to that higher ambi-

tion which should move and actuate one holding such high trusts in his hands, will be the good of the people, the advancement, prosperity, happiness, safety, honor, and true glory of the confederacy. [Applause.]

But not to be tedious in enumerating the numerous changes for the better, allow me to allude to one other—though last, not least. The new constitution has put at rest, *forever*, all the agitating questions relating to our peculiar institution—African slavery as it exists amongst us—the proper *status* of the negro in our form of civilization. This was the immediate cause of the late rupture and present revolution. Jefferson in his forecast, had anticipated this, as the “rock upon which the old Union would split.” He was right. What was conjecture with him, is now a realized fact. But whether he fully comprehended the great truth upon which that rock *stood* and *stands*, may be doubted. The prevailing ideas entertained by him and most of the leading statesmen at the time of the formation of the old constitution, were that the enslavement of the African was in violation of the laws of nature; that it was wrong in *principle*, socially, morally, and politically. It was an evil they knew not well how to deal with, but the general opinion of the men of that day was that, somehow or other in the order of Providence, the institution would be evanescent and pass away. This idea, though not incorporated in the constitution, was the prevailing idea at that time. The constitution, it is true, secured every essential guarantee to the institution while it should last, and hence no argument can be justly urged against the constitutional guarantees thus secured, because of the common sentiment of the day. Those ideas, however, were fundamentally wrong. They rested upon the assumption of the equality of races. This was an error. It was a sandy foundation, and the government built upon it fell when the “storm came and the wind blew.”

Our new government is founded upon exactly the opposite idea; its foundations are laid, its corner-stone rests upon the great truth, that the negro is not equal to the white man; that slavery—subordination to the superior race—is his natural and normal condition. [Applause.]

This, our new government, is the first, in the history of the world, based upon this great physical, philosophical, and moral truth. This truth has been slow in the process of its development, like all other truths in the various departments of science. It has been so even amongst us. Many who hear me, perhaps, can recollect well, that this truth was not generally admitted, even within their day. The errors of the past generation still clung to many as late as twenty years ago. Those at the North, who still cling to these errors, with a zeal above knowledge, we justly denominate fanatics. All fanaticism springs from an aberration of the mind—from a defect in reasoning. It is a species of insanity. One of the most striking characteristics of insanity, in

many instances, is forming correct conclusions from fancied or erroneous premises; so with the anti-slavery fanatics; their conclusions are right if their premises were. They assume that the negro is equal, and hence conclude that he is entitled to equal privileges and rights with the white man. If their premises were correct, their conclusions would be logical and just—but their premise being wrong, their whole argument fails. I recollect once of having heard a gentleman from one of the northern States, of great power and ability, announce in the House of Representatives, with imposing effect, that we of the South would be compelled, ultimately, to yield upon this subject of slavery, that it was as impossible to war successfully against a principle in politics, as it was in physics or mechanics. That the principle would ultimately prevail. That we, in maintaining slavery as it exists with us, were warring against a principle, a principle founded in nature, the principle of the equality of men. The reply I made to him was, that upon his own grounds, we should, ultimately, succeed, and that he and his associates, in this crusade against our institutions, would ultimately fail. The truth announced, that it was as impossible to war successfully against a principle in politics as it was in physics and mechanics, I admitted; but told him that it was he, and those acting with him, who were warring against a principle. They were attempting to make things equal which the Creator had made unequal.

In the conflict thus far, success has been on our side, complete throughout the length and breadth of the Confederate States. It is upon this, as I have stated, our social fabric is firmly planted; and I cannot permit myself to doubt the ultimate success of a full recognition of this principle throughout the civilized and enlightened world.

As I have stated, the truth of this principle may be slow in development, as all truths are and ever have been, in the various branches of science. It was so with the principles announced by Galileo—it was so with Adam Smith and his principles of political economy. It was so with Harvey, and his theory of the circulation of the blood. It is stated that not a single one of the medical profession, living at the time of the announcement of the truths made by him, admitted them. Now, they are universally acknowledged. May we not, therefore, look with confidence to the ultimate universal acknowledgment of the truths upon which our system rests? It is the first government ever instituted upon the principles in strict conformity to nature, and the ordination of Providence, in furnishing the materials of human society. Many governments have been founded upon the principle of the subordination and serfdom of certain classes of the same race; such were and are in violation of the laws of nature. Our system commits no such violation of nature's laws. With us, all of the white race, however high or low, rich or poor, are equal in the eye of the law. Not so with the negro. Subordina

tion is his place. He, by nature, or by the curse against Canaan, is fitted for that condition which he occupies in our system. The architect, in the construction of buildings, lays the foundation with the proper material—the granite; then comes the brick or the marble. The substratum of our society is made of the material fitted by nature for it, and by experience we know that it is best, not only for the superior, but for the inferior race, that it should be so. It is, indeed, in conformity with the ordinance of the Creator. It is not for us to inquire into the wisdom of his ordinances, or to question them. For his own purposes, he has made one race to differ from another, as he has made “one star to differ from another star in glory.”

The great objects of humanity are best attained when there is conformity to his laws and decrees, in the formation of governments as well as in all things else. Our confederacy is founded upon principles in strict conformity with these laws. This stone which was rejected by the first builders “is become the chief of the corner”—the real “corner-stone”—in our new edifice. [Applause.]

I have been asked, what of the future? It has been apprehended by some that we would have arrayed against us the civilized world. I care not who or how many they may be against us, when we stand upon the eternal principles of truth, *if we are true to ourselves and the principles for which we contend*, we are obliged to, and must triumph. [Immense applause.]

Thousands of people who begin to understand these truths are not yet completely out of the shell; they do not see them in their length and breadth. We hear much of the civilization and christianization of the barbarous tribes of Africa. In my judgment, those ends will never be attained, but by first teaching them the lesson taught to Adam, that “in the sweat of his brow he should eat his bread,” [applause,] and teaching them to work, and feed, and clothe themselves.

But to pass on: Some have propounded the inquiry whether it is practicable for us to go on with the confederacy without further accessions? Have we the means and ability to maintain nationality among the powers of the earth? On this point I would barely say, that as anxiously as we all have been, and are, for the border States, with institutions similar to ours, to join us, still we are abundantly able to maintain our position, even if they should ultimately make up their minds not to cast their destiny with us. That they ultimately will join us—be compelled to do it—is my confident belief; but we can get on very well without them, even if they should not.

We have all the essential elements of a high national career. The idea has been given out at the North, and even in the border States, that we are too small and too weak to maintain a separate nationality. This is a great mistake. In extent of territory we embrace five hundred and sixty-four thousand square miles and

upward. This is upward of two hundred thousand square miles more than was included within the limits of the original thirteen States. It is an area of country more than double the territory of France or the Austrian empire. France, in round numbers, has but two hundred and twelve thousand square miles. Austria, in round numbers, has two hundred and forty-eight thousand square miles. Ours is greater than both combined. It is greater than all France, Spain, Portugal, and Great Britain, including England, Ireland, and Scotland, together. In population we have upward of five millions, according to the census of 1860; this includes white and black. ~~The~~ The entire population, including white and black, of the original thirteen States, was less than four millions in 1790, and still less in '76, when the independence of our fathers was achieved. ~~If they, with a less population, dared maintain their independence against the greatest power on earth, shall we have any apprehension of maintaining ours now?~~

In point of material wealth and resources, we are greatly in advance of them. The taxable property of the Confederate States cannot be less than twenty-two hundred millions of dollars! This, I think I venture but little in saying, may be considered as five times more than the colonies possessed at the time they achieved their independence. Georgia, alone, possessed last year, according to the report of our comptroller-general, six hundred and seventy-two millions of taxable property. The debts of the seven confederate States sum up in the aggregate less than eighteen millions, while the existing debts of the other of the late United States sum up in the aggregate the enormous amount of one hundred and seventy-four millions of dollars. This is without taking into the account the heavy city debts, corporation debts, and railroad debts, which press, and will continue to press, as a heavy incubus upon the resources of those States. These debts, added to others, make a sum total not much under five hundred millions of dollars. With such an area of territory as we have—with such an amount of population—with a climate and soil unsurpassed by any on the face of the earth—with such resources already at our command—with productions which control the commerce of the world—who can entertain any apprehensions as to our ability to succeed, whether others join us or not?

It is true, I believe I state but the common sentiment, when I declare my earnest desire that the border States should join us. The differences of opinion that existed among us anterior to secession, related more to the policy in securing that result by co-operation than from any difference upon the ultimate security we all looked to in common.

These differences of opinion were more in reference to policy than principle, and as Mr. Jefferson said in his inaugural, in 1801, after the heated contest preceding his election, there might be differences of opinion without differences on principle, and

that all, to some extent, had been federalists and all republicans ; so it may now be said of us, that whatever differences of opinion as to the best policy in having a co-operation with our border sister slave States, if the worst came to the worst, that as we were all co-operationists, we are now all for independence, whether they come or not. [Continued applause.]

In this connection I take this occasion to state, that I was not without grave and serious apprehensions, that if the worst came to the worst, and cutting loose from the old government should be the only remedy for our safety and security, it would be attended with much more serious ills than it has been as yet. Thus far we have seen none of those incidents which usually attend revolutions. No such material as such convulsions usually throw up has been seen. Wisdom, prudence, and patriotism, have marked every step of our progress thus far. This augurs well for the future, and it is a matter of sincere gratification to me, that I am enabled to make the declaration. Of the men I met in the Congress at Montgomery, I may be pardoned for saying this, an abler, wiser, a more conservative, deliberate, determined, resolute, and patriotic body of men, I never met in my life. [Great applause.] Their works speak for them ; the provisional government speaks for them ; the constitution of the permanent government will be a lasting monument of their worth, merit, and statesmanship. [Applause.]

But to return to the question of the future. What is to be the result of this revolution ?

Will every thing, commenced so well, continue as it has begun ? In reply to this anxious inquiry, I can only say it all depends upon ourselves. A young man starting out in life on his majority, with health, talent, and ability, under a favoring Providence, may be said to be the architect of his own fortunes. His destinies are in his own hands. He may make for himself a name, of honor or dishonor, according to his own acts. If he plants himself upon truth, integrity, honor and uprightness, with industry, patience and energy, he cannot fail of success. So it is with us. We are a young republic, just entering upon the arena of nations, we will be the architects of our own fortunes. Our destiny, under Providence, is in our own hands. With wisdom, prudence, and statesmanship on the part of our public men, and intelligence, virtue and patriotism on the part of the people, success, to the full measures of our most sanguine hopes, may be looked for. But if unwise counsels prevail—if we become divided—if schisms arise—if dissensions spring up—if factions are engendered—if party spirit, nourished by unholy personal ambition shall rear its hydra head, I have no good to prophesy for you. Without intelligence, virtue, integrity, and patriotism on the part of the people, no republic or representative government can be durable or stable.

We have intelligence, and virtue, and patriotism. All that is

required is to cultivate and perpetuate these. Intelligence will not do without virtue. France was a nation of philosophers. These philosophers become Jacobins. They lacked that virtue, that devotion to moral principle, and that patriotism which is essential to good government. Organized upon principles of perfect justice and right—seeking amity and friendship with all other powers—I see no obstacle in the way of our upward and onward progress. Our growth, by accessions from other States, will depend greatly upon whether we present to the world, as I trust we shall, a better government than that to which neighboring States belong. If we do this, North Carolina, Tennessee, and Arkansas cannot hesitate long; neither can Virginia, Kentucky, and Missouri. They will necessarily gravitate to us by an imperious law. We made ample provision in our constitution for the admission of other States; it is more guarded, and wisely so, I think, than the old constitution on the same subject, but not too guarded to receive them as fast as it may be proper. Looking to the distant future, and, perhaps, not very far distant either, it is not beyond the range of possibility, and even probability, that all the great States of the north-west will gravitate this way, as well as Tennessee, Kentucky, Missouri, Arkansas, etc. Should they do so, our doors are wide enough to receive them, but not until they are ready to assimilate with us in principle.

The process of disintegration in the old Union may be expected to go on with almost absolute certainty if we pursue the right course. We are now the nucleus of a growing power which, if we are true to ourselves, our destiny, and high mission, will become the controlling power on this continent. To what extent accessions will go on in the process of time, or where it will end, the future will determine. So far as it concerns States of the old Union, this process will be upon no such principles of *reconstruction* as now spoken of, but upon *reorganization* and new assimilation. [Loud applause.] Such are some of the glimpses of the future as I catch them.

But at first we must necessarily meet with the inconveniences and difficulties and embarrassments incident to all changes of government. These will be felt in our postal affairs and changes in the channel of trade. These inconveniences, it is to be hoped, will be but temporary, and must be borne with patience and forbearance.

As to whether we shall have war with our late confederates, or whether all matters of differences between us shall be amicably settled, I can only say that the prospect for a peaceful adjustment is better, so far as I am informed, than it has been.

The prospect of war is, at least, not so threatening as it has been. The idea of coercion, shadowed forth in President Lincoln's inaugural, seems not to be followed up thus far so vigorously as was expected. Fort Sumter, it is believed, will soon be

evacuated. What course will be pursued toward Fort Pickens, and the other forts on the gulf, is not so well understood. It is to be greatly desired that all of them should be surrendered. Our object is *peace*, not only with the North, but with the world. All matters relating to the public property, public liabilities of the Union when we were members of it, we are ready and willing to adjust and settle upon the principles of right, equity, and good faith. War can be of no more benefit to the North than to us. Whether the intention of evacuating Fort Sumter is to be received as an evidence of a desire for a peaceful solution of our difficulties with the United States, or the result of necessity, I will not undertake to say. I would fain hope the former. Rumors are afloat, however, that it is the result of necessity. All I can say to you, therefore, on that point is, keep your armor bright and your powder dry. [Enthusiastic cheering.]

The surest way to secure peace, is to show your ability to maintain your rights. The principles and position of the present administration of the United States—the republican party—present some puzzling questions. While it is a fixed principle with them never to allow the increase of a foot of slave territory, they seem to be equally determined not to part with an inch “of the accursed soil.” Notwithstanding their clamor against the institution, they seemed to be equally opposed to getting more, or letting go what they have got. They were ready to fight on the accession of Texas, and are equally ready to fight now on her secession. Why is this? How can this strange paradox be accounted for? There seems to be but one rational solution—and that is, notwithstanding their professions of humanity, they are disinclined to give up the benefits they derive from slave labor. Their philanthropy yields to their interest. The idea of enforcing the laws, has but one object, and that is a collection of the taxes, raised by slave labor to swell the fund, necessary to meet their heavy appropriations. The spoils is what they are after—though they come from the labor of the slave. [Continued applause.]

Mr. Stephens reviewed at some length, the extravagance and profligacy of appropriations by the Congress of the United States for several years past, and in this connection took occasion to allude to another one of the great improvements in our new constitution, which is a clause prohibiting Congress from appropriating any money from the treasury, except by a two-third vote, unless it be for some object which the executive may say is necessary to carry on the government.

When it is thus asked for, and estimated for, he continued, the majority may appropriate. This was a new feature.

Our fathers had guarded the assessment of taxes by insisting that representation and taxation should go together. This was

inherited from the mother country, England. It was one of the principles upon which the revolution had been fought. Our fathers also provided in the old constitution, that all appropriation bills should originate in the representative branch of Congress, but our new constitution went a step further, and guarded not only the pockets of the people, but also the public money, after it was taken from their pockets.

He alluded to the difficulties and embarrassments which seemed to surround the question of a peaceful solution of the controversy with the old government. How can it be done? is perplexing many minds. The President seems to think that he cannot recognize our independence, nor can he, with and by the advice of the Senate, do so. The constitution makes no such provision. A general convention of all the States has been suggested by some.

Without proposing to solve the difficulty, he barely made the following suggestion :

"That as the admission of States by Congress under the constitution was an act of legislation, and in the nature of a contract or compact between the States admitted and the others admitting, why should not this contract or compact be regarded as of like character with all other civil contracts—liable to be rescinded by mutual agreement of both parties? The seceding States have rescinded it on their part, they have resumed their sovereignty. Why cannot the whole question be settled, if the north desire peace, simply by the Congress, in both branches, with the concurrence of the President, giving their consent to the separation, and a recognition of our independence?" This he merely offered as a suggestion, as one of the ways in which it might be done with much less violence by constructions to the constitution than many other acts of that government. [Applause.] The difficulty has to be solved in some way or other—this may be regarded as a fixed fact.

Several other points were alluded to by Mr. Stephens, particularly as to the policy of the new government toward foreign nations, and our commercial relations with them. Free trade, as far as practicable, would be the policy of this government. No higher duties would be imposed on foreign importations than would be necessary to support the government upon the strictest economy.

In olden times the olive branch was considered the emblem of peace; we will send to the nations of the earth another and far more potential emblem of the same, the cotton plant. The present duties were levied with a view of meeting the present necessities and exigencies, in preparation for war, if need be; but if we have peace, and he hoped we might, and trade should resume its proper course, a duty of ten per cent. upon foreign importations it was thought might be sufficient to meet the expenditures of the

government. If some articles should be left on the free list, as they now are, such as breadstuffs, etc., then, of course, duties upon others would have to be higher—but in no event to an extent to embarrass trade and commerce. He concluded in an earnest appeal for union and harmony, on part of all the people in support of the common cause, in which we were all enlisted, and upon the issues of which such great consequences depend.

If, said he, we are true to ourselves, true to our cause, true to our destiny, true to our high mission, in presenting to the world the highest type of civilization ever exhibited by man—there will be found in our lexicon no such word as fail.

Mr. Stephens took his seat, amid a burst of enthusiasm and applause, such as the Athenæum has never had displayed within its walls, within “the recollection of the oldest inhabitant.”

[REPORTER'S NOTE.—Your reporter begs to state that the above is not a perfect report, but only such a sketch of the address of Mr. Stephens as embraces, in his judgment, the most important points presented by the orator.—G.]

SPEECH BEFORE THE VIRGINIA SECESSION CONVENTION.

WEDNESDAY, APRIL 23D, 1861.

The President having again resumed the chair, said :

GENTLEMEN OF THE CONVENTION:—I have the honor to introduce the Hon. ALEXANDER H. STEPHENS, Vice-President of the Confederate States, who comes charged with a special mission from the Confederate States to the government of Virginia.

SPEECH OF THE HON. ALEXANDER H. STEPHENS.

MR. PRESIDENT AND GENTLEMEN OF THE CONVENTION:—I appear before you on this occasion upon your own invitation, representing the government of the Confederate States. My mission was at your instance, in compliance with a resolution inviting that government to send a commissioner here. The powers by which I am accredited were, I presume, communicated to you by your executive yesterday; and I have simply in this interview, in accordance with your request, to state to you very freely, candidly, and frankly, what are the wishes and objects of our government in sending me here. I will premise by stating with equal candor and frankness that the communication from this convention to our government inviting this conference, was received with a great deal of gratification. I presume that no event since the separation of the more southern States from the late Union, has occurred to give such unbounded pleasure to the whole

southern people, as the news that the Old Dominion had thrown her fortunes with ours.

We had thought, from the beginning, that this result would ultimately be inevitable. Individually, you will allow me to say I had not the slightest doubt upon the subject, and I feel extremely gratified that my anticipations have been so early realized. When the communication was received that Virginia had seceded, and wished a conference with our government, there was not the slightest hesitation. The telegraph announced it at two o'clock, P. M., and by eight in the evening I was on my way here.

It is true your resolution simply indicated a wish to form an alliance with the present Confederate States, in the present emergency, in the midst of the present perils which surround you and us alike. The condition of this body is not unknown to our government. The circumstances under which you are assembled, and the limitations of the powers under which you act, are very well known at Montgomery. We know the condition on which your ordinance of secession was necessarily passed—that it was, under the circumstances, properly subjected to the popular ratification of your people. Embarrassments, it was known, therefore, might attend any alliance that may be made; but the great question, looking to existing, present perils, and the dangers which instantly press upon you and us alike, was how best to meet these; how best to provide for to-day, leaving the troubles and embarrassments of future contingencies to be provided for as they may arise. An immediate alliance to the extent of your powers was by our government thought best. It was taken for granted that such, also, was your opinion. This seems to be too apparent to admit of doubt. The only question is as to details. Common dangers require common and united action. A war is upon us—upon you and the Confederate States alike. The extent of this war no human ken at this moment can foresee. Whether it be short or prolonged; whether it will be bloody and waged on the part of our enemies, with a view to subjugation and extermination, are matters of uncertainty. In this free conference I may be permitted to give you my individual opinion on these points, for what it is worth. We can lose nothing by looking dangers full in the face, however great; we may thereby be the better enabled to meet them. My own opinion, then, is, that it is to be a war for our subjugation and the extermination, if possible, of the whole fabric of our civil and social institutions. This is my view of its probable ultimate range; and that it will require all the resources of money and men of the southern people to maintain their cause successfully, unless, fortunately, by immediate and prompt action, such a decisive blow shall be given, on our part, as will turn the tide of victory in our favor at the outset, and show our full power to sustain independence. In this way it may be a war of short duration; but this is rather a hope than an expectation.

As to the ultimate result—whether long or short, whether waged on a small or extensive scale—I do not permit myself to entertain a doubt. We have the means—the men, and those resources which will command the money. All will be put forth, if necessary. Still the issue of this war, as of all wars, as well as the destinies of the nation, we should not forget, are in the hands of the Great Sovereign of the universe. In Him and the justice of our cause, and our own exertions, our trust and confidence of success should be placed. Our enemies may rely upon their superiority of numbers, but the race is not always to the swift nor the battle to the strong; but it is with God who gives the victory to the right. The war has not been of our seeking. We have done all that we could to avoid it. We feel assured of the righteousness of our cause, and that “thrice armed is he who hath his quarrel just.” We have committed no wrong on those who force the war on us; we have made no aggression on them or theirs; we have merely claimed and exercised the right of all free and independent States to govern ourselves as we please, and according to our own wishes, without interfering with or in any way molesting the other sovereign and independent States that formed the old Union. With those States we were united under a compact known as the constitution, that imposed obligations upon all the States. These obligations, on the part of the southern States, have been faithfully performed, while on the part of a large number of the northern States, they were openly and avowedly disregarded. The breach of faith was on their part. In the judgment of our people the only hope for safety was in a resumption of their delegated powers. Having resumed the powers delegated to the general government—a right which Virginia distinctly reserved to herself in the adoption of the Federal constitution—there is no power on earth that can rightfully call in question our acts as free, sovereign, and independent States, so far as the old Union is concerned. Even in the opinion of Mr. Webster, the great northern expounder of the constitution, when the northern States refused to fulfill their obligations under the constitution, it was no longer binding upon the southern States.

But this is a digression. It was only intended to impress the rightfulness of our cause. The matter now before us is the formation of a new alliance that will better secure our rights and our safety—the first object of every State and community.

The importance of a union or an alliance of some sort on the part of your commonwealth with the present Confederate States south, in this conflict for our common rights, I need not discuss before this intelligent body. Any one State, acting in its own capacity, without concert with other States, would be powerless, or at least could not exert its power efficiently. The cause of Virginia, and I will go further, the cause of Maryland, and even the cause of Delaware, and of all the States with institutions similar to ours, is the cause of the Confederate States—

the cause of each, the interests of each, the safety of each is the same; and the destiny of each, if they could all but be brought to realize the dangers, would be the same. Therefore, where there is a common danger; where there is a common interest; where there is a common safety; where there is a common destiny, there ought to be a common and united effort.

This is the view entertained by our government, and hence the invitation of the commonwealth of Virginia was responded to so promptly.

There are various reasons that I might present to enforce the importance of such a policy, if I were aware of there being the slightest necessity for it; but I am not. Indeed, I am speaking without knowing any thing of the individual sentiments of the members of the convention; and it may be that what I am now stating to the convention as very important to them and to us, is a subject upon which there is no difference of opinion. The truth of the general propositions thus cursorily stated, seems to me to be so self-evident, that I feel it hardly necessary to argue them before you. I will, however, add a few things, briefly.

First, as to the ends or objects of the alliance. To me it seems very important that your military should at least be in co-operation with, if not under the direction of the Confederate States government. We will necessarily have a large amount of forces in the field. When I left Montgomery there was 50,000 troops ordered out; 15,000 of them were then under arms, and most of them are perhaps under arms by this time. From information received from the Executive to-day, it appears that the President of the Confederacy has ordered out thirteen more regiments since I left. That will be about 12,000 more troops. North Carolina may be considered as co-operating with us now, though this large force (72,000) does not embrace any from that State. Tennessee also has tendered 5000, with an assurance from distinguished gentlemen from that State to our government, on Tuesday of last week, that soon after the news of the bombardment of Fort Sumter, 15,000 had tendered their services, and that, if necessary, 50,000 would be forthcoming. So large a number, however, would not be called for from there.

Kentucky, also, has a large body of men, who will be mustered into our service should the exigency arise. It may be that some of those troops may be discharged, and their places supplied by others; but 100,000 men will perhaps be in the field in less than three months. That is not counting Virginia. You, of course, will have a large force. All these forces should co-operate to be efficient; and while I don't claim to be a military man, it seems to me to be clear, on general rational principles, that all the forces—those of the Confederate States, those of Virginia, as well as those of the border States that are not yet out of the Union—should be under one head, as also all the military operations of the country directed to the same ends. It is generally admitted

that, in the execution of laws, it is essential that there should be one head; but more important than in the usual execution of laws is it that military operations should be under one head. In physical economy all the parts and functions in each organism, to be efficient, are under the control of one head, one animating, moving spirit, with one sensorium, one mind, one directing will. In military matters, looking to the same ends and objects, there should be one head. It is probable Virginia will be the main theatre, to a great extent, of the pending conflict. Maryland may be, perhaps—we don't know; but the line of Virginia, your great waters on the North, necessarily make you, in this conflict, the theatre of large and extensive military operations, if not the scene of the bloodiest conflicts that this continent has ever yet witnessed. You will, necessarily, therefore, look to the southern confederacy immediately for aid, even whether you become a member of it or not. I will state here, however, before passing any further, that we are looking to this, your ultimate union with us, as a fixed fact; and the unanimous desire of every branch of our government is, that, just as speedily as possible, you will thus link your fortunes with ours. Your cause is ours, your future will be ours; and your destiny must be ours.

But my mission relates to the intermediate time; to such alliance as may be necessary for the next twenty or forty days—before action can be taken by the people in their sovereign capacity at the ballot-box. In the meantime, between now and then, the *salus populi* must be the rule of your action as the custodians of popular rights. Your duty to yourselves and your homes, is to look immediately to the pressing wants of your people, and, in the meantime, make such preparations as are necessary to meet this extraordinary exigency. Is it not essential that there should be concert and united action under one head? Now, what can Virginia do under a military organization distinct from that of the Confederate States? How can she act in concert with her allies, or those willing to help her without some compact or agreement? Troops from the South are already on the way here. Two regiments from South Carolina will, perhaps, be here within the next twenty-four hours. Forces have been ordered from Louisiana, and are coming immediately to your assistance. Ought there not to be some understanding as to how they shall be received and how directed? Would it not be better that these troops, as well as your whole military operations, should be under the control and supervision of our government? To me it seems essential for efficient action. These suggestions are thrown out for the consideration of the convention.

There are other considerations which I might also present. I know the condition of your State in financial matters only to a limited extent. I know the vast resources of Virginia, and I know that her people, with the patriotism that has ever distinguished them, would never permit her cause to suffer for lack of

means at any cost or sacrifice. But have you the means now at command? Arms must be had, munitions of war must be procured, men must be sent immediately to the field—these must be clothed and fed as well as armed. All this will require money. “Money is the sinew of war.” Where money cannot be had, credit may answer. But money or credit, which will command it, is essential. On the financial point, so far as it relates to the Confederate States, I may state here, that our Congress authorized a loan of fifteen millions at its last session.

The Secretary of the Treasury advertised for five millions. The loan was taken the day I left Montgomery. There were two days for its subscription. When I left, news had already reached by telegraph from the cities that seven millions of the loan of five that had been offered had been taken. The subscriptions in the interior towns had not been heard from, but it was believed that the whole amount would not fall far short of nine or ten millions—double the amount offered. This shows how our credit stands—the money thus raised is now at the disposal of our government; and it was believed that if an offer for the other five millions should be made, making the whole fifteen millions, it would be subscribed in ten days. Our people, from South Carolina to the Rio Grande, are in this movement heart and soul; and every dollar that can be raised will be used for the defence of the country in this emergency. No serious difficulty is apprehended as to our ability to raise the necessary means. In the State of Georgia, before we entered into an alliance with the other States, apprehensions were felt as to our available means. Georgia ordered a loan on her own account, of one million of dollars. This was promptly raised or provided for in our own State. What amount it will require to put your State in proper defence and to meet the invasion that may be looked for is a matter for your own considerate attention—and also whether the State at this time could, without a sacrifice of her credit, raise the requisite amount.

An army of not less than 50,000 men will doubtless be required in you State. On this point your distinguished commander-in-chief, just duly installed into office, can of course give better information than any conjecture of mine. But whether a small or large force shall be required, it may be considered as certain that many millions will be required to cover the expense. Whether you have the means to do this, is a matter for you to consider.

Again: if you had the means, another question is, would it be right for Virginia, on her own account, to make this heavy expenditure in this enterprise? Because you stand on the border, it is not our desire that you should fight our battles. We don't wish you alone to fight these battles, or to bear yourself the expense of defending Virginia. I know that the intimation has been held out in other parts that we were not consider-

ing the peculiar circumstances of our brethren on the border States. I give you every assurance that our government feels thoroughly identified with you in interest, and we do not wish your great commonwealth to do more than bear her part in this contest. We know she is willing to do that. So far as the pecuniary matters are concerned then, I simply suggest whether it would not be wise and just and proper that all should share the burden equally—and whether we should not as our fathers did, in the first struggle for independence, look to each other, and bear equally the costs of a common cause? This I present, whether Virginia joins us ultimately or not. But to be entirely frank, I must say that we are looking to a speedy and early union of your State with our confederacy. Hence the greater importance for this immediate and temporary alliance. We want Virginia, the mother of States, as well as of statesmen, to be one of the States of our confederation. We want it because your people are our people—your interests are our interests; nay, more: because of the very prestige of the name of the old commonwealth. We want it, because of the memory of Jefferson, of Madison, and Washington, the father of his country—we want it for all the associations of the past—we want it because the principles in our constitution, both provisional and permanent, sprung from Virginia. They emanated from your statesmen—they are Virginian throughout—taught by your illustrious sages, and by their instrumentality mainly, were incorporated in the old constitution. That ancient and sacred instrument has no less of our regard and admiration now than it ever had. We quit the Union, but not the constitution—this we have preserved. Secession from the old Union on the part of the Confederate States was founded upon the conviction that the time-honored constitution of our fathers was about to be utterly undermined and destroyed, and that if the present administration at Washington had been permitted to rule over us, in less than four years, perhaps, this inestimable inheritance of liberty, regulated and protected by fundamental law, would have been forever lost. We believe that the movement with us has been the only course to save that great work of Virginia statesmen.

On this point indulge me a moment. Under the latitudinarian construction of the constitution which prevails at the north, the general idea is maintained that the will of the majority is supreme; and as to constitutional checks or restraints, they have no just conception of them. The constitution was, at first, mainly the work of southern men, and Virginia men at that. The government under it lasted only so long as it was kept in its proper sphere with due regard to its limitations, checks, and balances. This, from the origin of the government, was effected mainly by southern statesmen. It was only when all further effort seemed to be hopeless to keep the federal government within its proper sphere of delegated powers, that the Confederate

States, each for itself, resumed those powers and looked out for new safeguards for their rights and domestic tranquillity. These are found not in abandoning the constitution, but in adhering only to those who will faithfully sustain it.

We have rescued the constitution from utter annihilation. This is our conviction, and we believe history will so record the fact. You have seen what we have done. Our constitution has been published. Perhaps most of you have read it. If not I have a copy here, which is at the service of any who may wish to examine it. It is the old constitution, with all its essentials and some changes, of which I may speak presently.

It is upon this basis we are looking to your union with us; first, by the adoption of the provisional constitution, and then of the permanent one, in such a way as you may consider best, under the limitations of your powers. This I may be pardoned for pressing upon the convention, and expressing the hope that they may do it, utterly ignoring all past differences of opinion.

In all bodies of men differences of opinion may be expected; but the disagreements and differences with you, as was the case with us, will perhaps be found to relate more as to the mode of action, than to the propriety and necessity of action of some sort. As to differences in the past, on the subject of union and secession, let them be buried and forgotten forever.

My position and views upon these questions in the past may be known to you. If not, it may be proper to state, and I feel no reluctance in declaring, in your presence here in the capitol of the old commonwealth of Virginia, that there never breathed a human spirit on the soil of America more strongly and devoutly attached to the Union of our fathers than I. I was, however, in favor of no Union that did not secure perfect equality and protection of all rights guaranteed under the constitution. I was not insensible of the fact that several of the northern States had openly repudiated their constitutional obligations, and that if the principles of the present dominant party should be carried out, ultimate separation was inevitable. But still, I did trust that there was wisdom and patriotism enough at the north, when aroused, to correct the evils, to right the wrongs and to do us justice. I trusted even to the last, for some hopeful reaction in the popular sentiment at the North.

I was attached to the Union, however, not on account of the Union *per se*, but I was attached to it for what was its soul, its vitality and spirit; these were the living embodiments of the great principles of self-government, springing from the great truth, that the just powers of all governments are derived from the consent of the governed, as it was transmitted to us by our fathers. This is the foundation on which alone all constitutional liberty is and must be based—and to these principles I am to-day attached just as ardently as I ever was before, and I now announce to you my solemn conviction that the only hope you

have for the preservation of these principles, is by your alliance with those who have rescued, restored, and re-established them in the constitution of the Confederate States—there is no hope in the States north.

The disagreements that existed in our State as to the course that we should pursue, before the last resort of secession was adopted, were more as to the mode and manner of redress, than as to the cause of the grievance or the existence of the grievance requiring redress. I take this occasion, in passing, to state to you, that in our convention there was considerable difference of opinion on this view of the subject. It may not be known to you that on that occasion, I disagreed with the majority on the course adopted. My vote was recorded against the secession ordinance in our State. I was for making one more effort, and for getting the whole South united if possible in that effort for redress.

But when the State in her sovereign capacity determined otherwise, my judgment was yielded to hers. My allegiance was due to her. My fortunes were linked with hers; her cause was my cause; and her destiny was my destiny. A large minority in that convention voted as I did. But after secession was determined on by the majority, a resolution was drawn up to the effect, that whereas the lack of unanimity on the passage of the ordinance, was owing more to a disagreement as to the proper mode at the time for a redress of existing wrongs and threatened wrongs, than as to the fact of the existence of such wrongs as required redress; therefore, after the mode and manner was adopted by a majority of the convention, that all of us, as an evidence of our determination to maintain the State in her chosen remedy, should sign the ordinance; and with that determination under that resolution, every member of the convention, except six, signed it. Those six also declared upon record a like determination on their part. So our State became a unit upon the measure, when it was resolved upon. All anterior differences amongst us were dropped. The cause of Georgia was the cause of us all; and so I trust it will be in Virginia. Let all past differences be forgotten. Whether, if some other course had been adopted, our rights could have ultimately been secured in the old Union, is a problem now that can never be solved. I am free to confess, as I frankly do, that the late indications afford strong evidence that the majority at the North were bent upon our destruction at every cost and every hazard. At all events, we know that our only hope now is in our own strong arms and stout hearts, with unity among ourselves. Our course is adopted. We can take no steps backward. The time for compromise, if it ever existed, is past. Many entertained hopes from the "Peace Congress"—that failed. Even an extension of the Missouri line, which was offered by prominent southern men, was sullenly rejected. Every indication of northern sentiment on the part of the dominant party there, since the election last fall, shows that

they were and are bent upon carrying out their aggressive and destructive policy against us. This they insidiously expected to succeed in, by relying upon the known strong Union sentiment in the border States. They evidently relied strongly on this in Virginia. Their policy being to divide and conquer. In this, I think, however, they counted without their host.

The people of Virginia may have been attached to the Union; but they are much more attached to their homes, their firesides and all that is dear to freemen—constitutional liberty.

All hopes of preserving this in the old Union are gone forever. We must for the future look to ourselves. It is cheering to feel conscious that we are not without hope in that quarter. At first, I must confess, that I was not without serious apprehensions on that point. These apprehensions were allayed at Montgomery.

The men who were sent there were not such materials as revolutions usually throw up. They seemed to understand thoroughly the position of affairs—the past, the present, and the future. They duly appreciated the magnitude of the responsibilities resting upon them, and proved themselves, I trust, not only determined to overthrow one government, but capable of building up another. Their work, as I have said, is before you. One leading idea runs through the whole—the preservation of that time-honored constitutional liberty which they inherited from their fathers.

The first thing was to organize a provisional government. This was done by the adoption of the provisional constitution. It is to last but one year, and conforms to our ancient usages as nearly as practicable. No changes in essential or fundamental principles. We have but one legislative body. This possesses the powers of the old Senate and House combined; but the rights of the States and the sovereign equality of each is fully recognized—more fully than under the old constitution, which was the basis of the action of the convention; for, during the provisional government, on all questions in Congress, each State has an equal vote. This provisional government was only a temporary arrangement to meet the exigencies until a permanent constitution could be formed and put into operation. This was really the great work before them.

In this, as in the provisional government, the old constitution of our fathers—the constitution of Madison and Washington, was their model. I said I might say something touching its provisions. Time will not allow me to go much into details. You will please read and examine it minutely for yourselves. While the old constitution was the basis and model of its construction, you will find in it several changes and modifications. Some of them important. But of them all I make in passing this general remark—they are all of a conservative character. This is the most striking characteristic of our revolution or change of gov-

ernment thus far, that none of the changes introduced are of a *radical* or downward tendency.

But all the changes—every one of them—are upon what is called the conservative side. Now, this I ask your special attention to. It is an important fact. I wish you specially to mark it, for I know that efforts has been made to create prejudice against our movement by telling the conservative men of the country that it sprung from some of the hot heads down South, and should not be relied on or trusted. But take the constitution and read it, and you will find that every change in it from the old constitution is conservative. In many respects it is an improvement upon the constitution of our fathers. It has such improvements as the experience of seventy years showed were required. In this particular our revolution thus far is distinguished from popular revolutions in the history of the world. In it are settled many of the vexed questions which disturbed us in the old confederacy. A few of these may be mentioned—such as that no money shall be appropriated from the common treasury for internal improvement; leaving all such matters for the local and State authorities. The tariff question is also settled. The presidential term is extended, and no re-election allowed. This will relieve the country of those periodical agitations from which sprang so much mischief in the old government. If history shall record the truth in reference to our past system of government, it will be written of us that one of the greatest evils in the old government was the scramble for public offices—connected with the Presidential election. This evil is entirely obviated under the constitution which we have adopted.

Many other improvements, as I think, could be mentioned, but it is unnecessary. I have barely alluded to the subject to show you that we do not invite you to any wild scheme of revolution. We invite Virginia to join us in perpetuating the principles upon which she has ever stood—the only hope of constitutional liberty in the world, as I now seriously apprehend. If it fails with us, where else can we see hope? But for the South, what would have become of the principles of Jefferson, Madison, and Washington, as embodied in the old constitution long ago? Whatever the United States government has done in advancement of civilization, by solving the great principles of self-government by the people, through representatives clothed with delegated powers, is due mainly to the South. The achievement has been by southern statesmen. The honor and glory of the western republic, to which the eyes of the world has been directed for years, was the work mainly of southern men, and my judgment is, if you will pardon its expression, that just so soon as the South is entirely separated from the North, and the government at Washington has no longer the advice and counsel of your statesmen and the men of the South, they will go into confusion and anarchy speedily. It gives me no pleasure to think so. It

would be to our advantage, as well as theirs, for them, as we can no longer live in safety and peace under the same constitution, to go on and be prosperous, and leave us to do the same. But my conviction is that they will not. They do not understand constitutional liberty. It is an exotic in their clime. It is a plant of southern growth. I have, however, no war to make on their institutions. They seem to think them better than ours, and, not satisfied with this, they war upon ours. Now, the true policy of both sides, should be to let each other alone. Let both try their systems, not in war, but in friendly rivalry. Hence it is from no unkind feelings toward them or their institutions, that I express the opinion I do. I believe that our institutions are by far the best. My judgment is that theirs will be a failure. I would give them every opportunity to try them thoroughly by themselves, and for themselves. I simply give my view of what I believe to be the prospect on both sides, as well as the true policy of both ; but I seriously doubt whether the rivalry which I would fain indulge the hope of seeing carried out, will be engaged in. War is what they are bent on in the start. Where this will end, time alone can determine. What I have ventured to say of the probable future of the North, is founded upon the experience and associations of many years with their public men in Washington. They do not seem to understand the nature or workings of a federative system. They have but slender conceptions of limited powers. Their ideas run into consolidation.

Whilst I was in Congress I knew of but few men there from the North who ever made a constitutional argument on any question. They seemed to consider themselves as clothed with unlimited power. Mr. Webster was one of these distinguished few. Though he generally differed from southern men on points of constitutional power, yet he argued his side with great ability. Mr. Douglas is also another distinguished exception to the general remark. One or two others might be named as exceptions to the rule, but the great majority, the almost entire representation from the North in Congress, both in the House and Senate, seemed really to have no correct idea of the nature of the government they were engaged in carrying on. They looked upon it simply as a government of majorities.

They did not seem to understand that it was a government that bound majorities by constitutional restraints. Now, nothing is more fixed or certain than that constitutional liberty can be maintained only by a rigid adherence to fundamental principles. Government is a science—the northern mind seems disinclined to that sort of study. Excuse this digression. It may not, however, be altogether inappropriate to the occasion—all things being duly considered. It springs from no disposition on my part wantonly to disparage northern character. It is intended rather to show where our future safety and security lies. We have our destiny under Providence in our own hands, and we must work

it out the best we can. All we ask of our late confederates is to let us alone. But, be this as it may, we shall, I trust, be equal to the future and our mission, whether they choose to pursue toward us a peace or a war policy.

With union, harmony, concert of action and patriotism, our ultimate success in establishing or rather perpetuating a stable and good government on our ancient republican model need not be feared.

One good and wise feature in our new or revised constitution is, that we have put to rest the vexed question of slavery forever, so far as the confederate legislative halls are concerned. On this subject, from which sprung the immediate cause of our late troubles and threatened dangers, you will indulge me in a few remarks as not irrelevant to the occasion. The condition of the negro race amongst us presents a peculiar phase of republican civilization and constitutional liberty. To some, the problem seems hard to understand. The difficulty is in theory, not in practical demonstration; that works well enough—theories in government, as in all things else, must yield to facts. No truth is clearer than that the best form or system of government for any people or society is that which secures the greatest amount of happiness, not to the greatest number, but to all the constituent elements of that society, community or State. If our system does not accomplish this; if it is not the best for the negro as well as for the white man; for the inferior as well as the superior race, it is wrong in principle. But if it does, or is capable of doing this, then it is right, and can never be successfully assailed by reason or logic. That the negroes with us, under masters who care for, provide for and protect them, are better off, and enjoy more of the blessings of good government than their race does in any other part of the world, statistics abundantly prove. As a race, the African is inferior to the white man. Subordination to the white man is his normal condition. He is not his equal by nature, and cannot be made so by human laws or human institutions. Our system, therefore, so far as regards this inferior race, rests upon this great immutable law of nature. It is founded not upon wrong or injustice, but upon the eternal fitness of things. Hence, its harmonious working for the benefit and advantage of both. Why one race was made inferior to another, is not for us to inquire. The statesman and the Christian, as well as the philosopher, must take things as they find them, and do the best he can with them as he finds them.

The great truth, I repeat, upon which our system rests, is the inferiority of the African. The enemies of our institutions ignore this truth. They set out with the assumption that the races are equal; that the negro is equal to the white man. If their premises were correct, their conclusions would be legitimate. But their premises being false, their conclusions are false also. Most of that fanatical spirit at the North on this subject,

which in its zeal without knowledge, would upturn our society and lay waste our fair country, springs from this false reasoning. Hence so much misapplied sympathy for fancied wrongs and sufferings. These wrongs and sufferings exist only in their heated imaginations. There can be no wrong where there is no violation of nature's laws. We have heard much of the higher law. I believe myself in the higher law. We stand upon that higher law. I would defend and support no constitution that is against the higher law. I mean by that the law of nature and of God. Human constitutions and human laws that are made against the law of nature or of God, ought to be overturned; and if Seward was right the constitution which he was sworn to support, and is now requiring others to swear to support, ought to have been overthrown long ago. It ought never to have been made. But in point of fact it is he and his associates in this crusade against us, who are warring against the higher law—we stand upon the laws of the Creator, upon the highest of all laws. It is the fanatics of the North, who are warring against the decrees of God Almighty, in their attempts to make things equal which he made unequal. My assurance of ultimate success in this controversy is strong from the conviction, that we stand upon the right. Some years ago in the Hall of the House of Representatives, a very prominent gentleman from Ohio, announced with a great deal of effect, that we at the South would be obliged to yield upon this question of slavery, because we warred against a principle; and that it was as impossible to war successfully against principle in politics as it was in mechanics. The principle, said he, would ultimately prevail. He announced this with imposing effect, and endeavored to maintain that we were contending against the great principle of equality in holding our fellow men in the unnatural condition of bondage. In reply, I stated to him, that I admitted his proposition as he announced it, that it was impossible to war successfully against a principle in mechanics and the same was true in politics—the principle would certainly prevail—and from that stand point I had come to the conclusion that we of the South would ultimately succeed, and the North would be compelled to yield their ideas upon this subject. For it was they who were contending against a principle and not we. It was they who were trying to make the black man a white man, or his equal, which was nearly the same thing. The controlling laws of nature regulate the difference between them as absolutely as the laws of gravitation control whatever comes within their action—and until he could change the laws of gravitation, or any other law of nature, he could never make the negro a white man or his equal. No human efforts or human laws can change the leopard's spots or the Ethiopian's skin. These are the works of Providence—in whose hands are the fortunes of men as well as the destiny of nations and the distinctions of races

On this subject a change is evidently going on in the intellectual world—in the republic of thinkers. The British West India experiment has done much to produce this change. All theories on the problem of human society must in the end yield to facts—just as all theories and speculations in other departments of science must yield to the same sure and unerring test. The changes of sentiment upon the subject of negro subordination have been great already, for this is the proper term to designate his condition with us. That they will continue as truth progresses, there can be no doubt. All new truths progress slowly. With us this change of view and sentiment has been wonderful. There has been almost a complete revolution within the last half century. It was a question little understood by the eminent statesmen of the south seventy years ago. This is no disparagement to their wisdom or ability. They were occupied in the solution of other great new truths upon which rested the first great principles of self-government by the governing race. These principles they solved and established. They met and proved themselves equal to the exigencies of their day and generation—that was enough to fill the measure of their fame. Each generation in the eternal progress of all things connected with existence, must meet new questions, new problems, new phases of even old subjects, and it will be enough for the men of each generation, if they prove themselves equal to the requirement of the times in which they live. As our fathers were equal to all the questions of their day, so may their sons be at this and all succeeding times. This is the point to which our attention should be chiefly directed.

In our constitution, provision is made for the admission of other States into the confederacy; but none can be admitted without first adopting our constitution, and, consequently, none can be admitted who does not first adopt the fundamental principles on which our social and domestic institutions rest—thereby removing forever from our public or confederate councils that question which gave rise to so much disturbance in the old government.

I have, perhaps, detained you much longer than I ought to have done, and upon matters, perhaps, which you may consider not very pertinent to the object of my mission. This you will please excuse. As I said in the outset, I appeared before you upon your invitation and was rather at a loss what to say, until I knew more of your own objects and wishes—and without, therefore, trespassing further upon your time and patience, in conclusion, I will barely add, by way of recapitulation, the main object, then, I had in view in coming before you to-day, was simply to announce that our government hailed with joy the news of your secession from the old government, and a desire on your part to form an alliance with us. Our government is very desirous that your ancient commonwealth shall become a member of

our confederacy. Your interests and ours are the same; your safety the same, and your ultimate destiny must be the same. We are looking to your union with us as a certainty. But, in the meantime—before that union can be perfected by the action of your people, we think a temporary alliance or convention of the highest importance to meet the exigencies of the day and the hour. The enemy is now on your border—almost at your door—he must be met. This can best be done by having your military operations under the common head at Montgomery—or it may be at Richmond. For, while I have no authority to speak on that subject, I feel at perfect liberty to say, that it is quite within the range of probability that, if such an alliance is made as seems to me ought to be made, the seat of our government will, within a few weeks, be moved to this place. There is no permanent location at Montgomery—and should Virginia become, as it probably will, the theatre of the war, the whole may be transferred here—then all your military operations with ours will be under a common head. Your distinguished commander-in-chief, (General Lee,) will, doubtless, have such a position as his great military talents and merits deserve. Whether in the Confederate army proper, or in the State service, will, I doubt not, depend upon his own choice. The great object is to have perfect union, harmony, and co-operation under one head. We think also that it is better for you, in a financial point of view, to unite with us immediately. Besides this, we want your members at Montgomery. We want the voice of Virginia in our Confederate councils.

On this point, I would suggest to you that this convention immediately, if you think you have got the power, appoint delegates to our provisional Congress. My opinion is you have got the power. You may have to refer back to your constituents whatever change you make in your federal relations and in your State constitution; but in all other matters you have plenary power. You certainly have full power to send delegates to the provisional Congress.

Is it not expedient that you should send members immediately to the Congress that is to assemble at Montgomery next week? If you think it is necessary that this matter should be decided by the people, I would wait, even though perils threatened, before I would infringe upon the rights of the people. But at all events, I wish you to understand that we expect you to join us just as soon as you can. If you see fit to make an alliance offensive and defensive, we will have our military here just as soon after the alliance is concluded as possible. We want you to join us permanently by the adoption of the permanent constitution, which will go into operation next winter, and of course it will be important to you in regard to the elections, that you change your fundamental law so far as relates to the election of members to the southern Congress under that constitution.

I must apologize to you for trespassing so long upon your

patience. I have said so much in a desultory way that I have, I fear, overlooked or omitted some things that would have been more appropriate if I had known more of the temper and views of your body. But this is a time for free conference and consultation upon the general state of public affairs. It is from this conviction that I have addressed you as I have. You are now in possession of my views very fully and frankly. It may be that something may occur that may render it proper for me to appear before you again. In any discussions that may grow out of what I have submitted, I hold myself in readiness to confer with you; and if this body should decide to form any alliance or treaty that may be thought proper, such as I have intimated, I will be found ready to meet them or any number that may be appointed to negotiate with me on the subject. I am alone, and have no associate; but any number that may be thought best on your part to meet me can be appointed.

If you desire to hear from me on any other point, most cheerfully I will be at your command.

THE CONVENTION ENTERED INTO BETWEEN VIRGINIA AND THE CONFEDERACY, AND THE ORDINANCE ADOPTING IT, RATIFIED BY THE CONVENTION.

On the 23d of April, 1861, Mr. STEPHENS addressed the Virginia State Convention, and the following is the result:

PROVISIONAL ADOPTION OF THE CONFEDERATE CONSTITUTION BY VIRGINIA.

An Ordinance for the adoption of the Constitution of the Provisional Government of the Confederate States of America.

We, the delegates of the people of Virginia, in convention assembled, solemnly impressed by the perils which surround the commonwealth, and appealing to the Searcher of Hearts for the rectitude of our intentions in assuming the grave responsibility of this act, do, by this ordinance, *adopt and ratify* the constitution of the provisional government of the Confederate States of America, ordained and established at Montgomery, Alabama, on the 8th of February, 1861; provided, that this ordinance shall cease to have any legal operation or effect, if the people of this commonwealth, upon the vote directed to be taken on the ordinance of secession passed by this convention on the 17th day of April, 1861, shall reject the same.

A true copy.

JOHN L. EUBANK, Secretary.

CONVENTION BETWEEN THE COMMONWEALTH OF VIRGINIA AND THE CONFEDERATE STATES OF AMERICA.

The commonwealth of Virginia, looking to a speedy union of said commonwealth and the other slave States with the Confederate States of America, according to the provisions of the consti-

tution for the provisional government of said States, enters into the following temporary convention and agreement with said States, for the purpose of meeting pressing exigencies affecting the common rights, interests, and safety of said commonwealth and said confederacy.

1st. Until the union of said commonwealth with said confederacy shall be perfected, and said commonwealth shall become a member of said confederacy, according to the constitutions of both powers, the whole military force and military operations, offensive and defensive, of said commonwealth, in the impending conflict with the United States, shall be under the chief control and direction of the President of said Confederate States, upon the same principles, basis and footing as if said commonwealth were now, and during the interval, a member of said confederacy.

2d. The commonwealth of Virginia will, after the consummation of the union contemplated in this convention, and her adoption of the constitution for a permanent government of the said Confederate States, and she shall become a member of said confederacy under said permanent constitution, if the same occur, turn over to the said Confederate States all the public property, naval stores, and munitions of war, etc., she may then be in possession of, acquired from the United States, on the same terms and in like manner as the other States of said confederacy have done in like cases.

3d. Whatever expenditures of money, if any, said commonwealth of Virginia shall make before the union, under the provisional government as above contemplated, shall be consummated, shall be met and provided for by said Confederate States.

This convention entered into and agreed to, in the city of Richmond, Virginia, on the 24th day of April, 1861, by Alexander H. Stephens, the duly authorized commissioner, to act in the matter for the said Confederate States, and John Tyler, William Ballard Preston, Samuel McD. Moore, James P. Holcombe, James C. Bruce, and Lewis E. Harvie, parties duly authorized to act in like manner for the said commonwealth of Virginia—the whole subject to the approval and ratification of the proper authorities of both governments respectively.

In testimony whereof, the parties aforesaid have hereto set their hands and seals, the day and year aforesaid, and at the place aforesaid, in duplicate originals.

ALEXANDER H. STEPHENS, [Seal.]

Commissioner for Confederate States.

JOHN TYLER,	}	Commis-	{	[Seal.]
WM. B. PRESTON,				[Seal.]
S. McD. MOORE,				[Seal.]
JAS. P. HOLCOMBE,				[Seal.]
JAS. C. BRUCE,				[Seal.]
LEWIS E. HARVIE,	}	sioners	{	[Seal.]
		for		[Seal.]
		Virginia.		[Seal.]

Approved and ratified by the convention of Virginia, on the 25th of April, 1861.

JOHN JANNEY, President.

JOHN L. EUBANK, Secretary.

LETTER TO HON. JAMES M. CALHOUN, MAYOR OF ATLANTA, ON THE SUBJECT OF MARTIAL LAW.

RICHMOND, VIRGINIA, SEPTEMBER 8TH, 1862.

Hon. James M. Calhoun, Atlanta, Ga :

DEAR SIR:—Your letter of the 28th ult., to Hon. B. H. Hill, was submitted to me by him a few days ago, for my views as to the proper answer to be made to your several inquiries touching your powers and duties in the office of civil governor of Atlanta, to which you have been appointed by Gen. Bragg. I took the letter with the promise to write to you fully upon the whole subject. This, therefore, is the object of my now writing to you. I regret the delay that has occurred in the fulfilment of my promise. It has been occasioned by the press of other engagements, and I now find my time too short to write as fully as I could wish. The subject is one of great importance, and this, as well as matters of a kindred sort, have given me deep concern for some time past.

I am not at all surprised at your being at a loss to know what your powers and duties are in your new position, and your inability to find any thing in any written code of laws to enlighten you upon them. The truth is your office is unknown to the law. Gen. Bragg had no more authority for appointing you civil governor of Atlanta, than I had; and I had, or have, no more authority than any street-walker in your city. Under his appointment, therefore, you can rightfully exercise no more power than if the appointment had been made by a street-walker.

We live under a constitution. That constitution was made for war as well as peace. Under that constitution we have civil laws and military laws; laws for the civil authorities and laws for the military. The first are to be found in the statutes at large, and the latter in the rules and articles of war. But in this country there is no such thing as martial law, and cannot be until the constitution is set aside—if such an evil day shall ever come upon us. All the law-making power in the Confederate States government is vested in Congress. But Congress cannot declare martial law, which in its proper sense is nothing but an abrogation of all laws. If Congress cannot do it, much less can any officer of the government, either civil or military, do it rightfully, from the highest to the lowest. Congress may, in certain cases specified, suspend the writ of *habeas corpus*, but this by no means interferes with the administration of justice so far as to deprive any party arrested of his right to a speedy and public trial by a jury, after indictment, etc. It does not lessen or weaken the right of such party to redress for an illegal arrest. It does not authorize arrests except upon oath or affirmation upon probable cause. It only secures the party beyond misadventure to appear

in person to answer the charge, and prevents a release in consequence of insufficiency of proof, or other like grounds, in any preliminary inquiry as to the formality or legality of his arrest. It does not infringe or impair his other constitutional rights. These Congress cannot impair by law. The constitutional guarantees are above and beyond the reach or power of Congress, and much more, if it could be, above and beyond the power of any officer of the government. Your appointment, therefore, in my opinion, is simply a nullity. You, by virtue of it, possess no rightful authority; and can exercise none. The order creating you civil governor of Atlanta, was a most palpable usurpation. I speak of the act only in a legal and constitutional sense—not of the motives that prompted it. But a wise people, jealous of their rights, would do well to remember, as Delolme so well expressed it, that “such acts, so laudable when we only consider the motive of them, make a breach at which tyranny will one day enter,” if quietly submitted to too long. Now, then, my opinion is, if any one be brought before you for punishment for selling liquor to a soldier, or any other allegation, where there is no law against it, no law passed by the proper law-making power, either State or Confederate, and where, as a matter of course, you have no legal or rightful authority to punish either by fine, or corporeally, etc., you should simply make this response to the one who brings him or her, as the case may be, that you have no jurisdiction of the matter complained of.

A British queen (Anne) was once urged by the emperor of Russia to punish one of her officers for what his majesty considered an act of indignity to his ambassador to her court, though the officer had violated no positive law. The queen’s memorable reply was that “she could inflict no punishment upon any, the meanest of her subjects, unless warranted by the law of the land.”

This is an example you might well imitate. For I take it for granted that no one will pretend that any general in command of our armies, could confer upon you or anybody greater power than the ruling sovereign of England possessed in like cases under similar circumstances. The case referred to in England gave rise to a change of the law. After that an act was passed exempting foreign ministers from arrest. So with us. If the proper discipline and good order of the army require that the sale of liquor to a soldier by a person not connected with the army should be prohibited (which I do not mean to question in the slightest degree) let the prohibition be declared by law, passed by Congress, with the pains and penalties for a violation of it, with the mode and manner of trying the offence plainly set forth. Until this is done, no one has any authority to punish in such cases; and any one who undertakes to do it is a trespasser and a violator of the law. Soldiers in the service, as well as the officers, are subject to the Rules and Articles of War, and if they commit any offence

known to the military code therein prescribed, they are liable to be tried and punished according to the law made for their government. If these Rules and Articles of War, or in other words, if the military code for the government of the army is defective in any respect, it ought to be amended by Congress. There alone the power is vested. Neither generals nor the provost-marshals have any power to make, alter or modify laws either military or civil; nor can they declare what shall be crimes, either military or civil, or establish any tribunal to punish what they may so declare. All these matters belong to Congress; and I assure you, in my opinion, nothing is more essential to the maintenance and preservation of constitutional liberty than that the military be ever kept subordinate to the civil authorities.

You thus have my views hastily but pointedly given.

Yours, most respectfully,

ALEXANDER H. STEPHENS.

SYNOPSIS OF THE SUBSTANCE OF THE ADDRESS
OF VICE-PRESIDENT STEPHENS, AT CRAWFORD-
VILLE, GEORGIA, ON THE 1ST OF NOVEMBER, 1862.
REPORTED BY J. HENLEY SMITH.

Mr. Stephens commenced by announcing the meeting to be one eminently of a business character. Many in the large assembly had, perhaps, come out to hear something about the war, looking upon it as a war meeting. This, also, was true. It was a war meeting as well as a business meeting. Much the greater part of war was business—practical good sense—common every day business, such as marks the true economy of life. The raising of men—the manœuvring of troops in the field, their bravery and gallantry in action and the best of generalship as commonly understood, constitute but a small part of war. It is an essential part, and not to be underestimated, but it is a small part. Like the sulphur in gunpowder—only a twelfth part and a fraction—it is a small part of the whole. To wage successful wars, there must not only be men well trained and skilfully handled with efficient weapons, but they must be clothed and fed. This embraces the quartermaster and commissary departments in all their ramifications. This is much the larger part of war. The want of a nail in a horseshoe caused the lameness of a horse that caused the loss of a battle. A pair of shoes is as essential to a soldier as a lock to his gun; and, to-day, fifty thousand pairs of shoes are equal to fifty thousand men in our army. We have sent the men—they are now in the field—the object of the present meeting was to see that those who have gone from our midst are clothed and shod.

This, it is true, properly belongs to the government. It is the

duty of the government to see that all who are called to the field are properly equipped with every thing necessary to make them efficient; and the government is, doubtless doing all it can.

But this is emphatically a war for the people's rights, and it is enough for us to know that ample provision is not made by the government. The object of the meeting was to see to it that all the men from this (Taliaferro) county be provided with necessary shoes and clothing. The original plan heretofore acted upon in the county, was for some one to take particular soldiers under their charge and see that they were provided for. This was the best plan, and he hoped it would be continued. Then none would be overlooked. He had lists of all the companies fully organized and sent from the county. These lists he should read over, and as each name was called he wished it to be announced by some one whether provisions by any one had been made for the one whose name should be called.

[Here the lists were read over and responses made at the call of the name of each one known to be provided for. It was gratifying to perceive that a majority were already provided for.]

Mr. Stephens continued: Doubtless many of those for whom no response has been made, are also provided for by persons not present; but as some might not be, and all should be, he proposed that an executive committee of three be appointed to thoroughly canvass the county, by themselves and sub-agents to be appointed by them, and ascertain the number and names of every one who was not provided for, and, by contributions to be raised by them, to have the provision made.

Besides these companies there were quite a number of volunteers from the county in several other companies. Let all from the county be seen after—no one omitted—in whatever company he may be. Let an agent, or as many as may be necessary, be appointed by the executive committee, to carry the articles when ready, and deliver them to the parties. Don't trust them to any public agents for transportation. The only certain way for speed and safety was for some one to accompany them. The government would doubtless furnish transportation. It ought to be done, and he supposed would be done. But if not, let the executive committee see to it that the articles were delivered.

This part of the proceedings having been gone through with, Mr. Stephens then made strong appeals to all, to contribute in money or in kind to supply those who might be found by the committee to be not provided for. Those who had sons, brothers, or others for whom they had made provision, would not be expected to do more than they had done, unless their means were ample, in which case they ought to contribute liberally. The ladies would cheerfully make up the clothing, if the cloth were furnished. Nobly have they done their part in this war. The battlefield was not their place, but in their sphere they had done that

which was just as essential to the success of our cause, as the man who had won honor and glory on the field. With the spindle, the loom, the needle, and in the hospital, willingly, liberally, generously, patriotically, had they done their duty. The men of our country had done well—most gallantly—but let it never be forgotten, that as well as the men have done in the cause of our independence, the women have done better. To them the country is mainly indebted for the clothing of the army when it first went into the field. Their voluntary contributions of labor amounted to many millions of dollars, worth infinitely more than the money in dollars and cents, if the government had had it; for the money could not have commanded the labor. An army of hundreds of thousands was *improvised*, springing into existence fully armed and equipped, as Minerva from the head of Jove. Such a spectacle the world never saw before. This was done solely by the aid of the women of the land. It could not have been done without their aid. They did well to be at the meeting; for they are as willing to do their part now, and in the future, as they were in the beginning.

In his appeal for contributions, he alluded to those whose pursuits, positions, or opportunities had enabled them to make money in these times. Opportunities to realize unusual profits upon labor or capital in particular pursuits or trades, were incidents of all wars, and this one was no exception. These were evils of war. They afford great temptations to frail human nature. These temptations should be resisted by every one as the approaches of the foul fiend.

Dickens had said the fumes of gold were more deadly to the moral sensibilities than the fumes of charcoal to the physical. It was true none should think of making money or growing rich out of our common necessities; but every one should feel and realize the fact that our common all is embarked in the common cause; that every thing is at stake, and every one should do his duty and his whole duty, whether at home or in the field. Those at home, in whatever position, have as important and as essential—though not so hard and dangerous—duties to perform as those in the field. All should co-operate harmoniously and patriotically to the great end, and while they (the people of that community) had none among them known as speculators or extortioners, yet there were some whose pursuits enabled them or afforded them opportunities to realize larger profits on their capital and labor than in times of peace. To such he made a special appeal to contribute liberally and generously, as he believed they would. Let no one, whether body corporate or not, think of making profits out of articles needed by the men in the field. The idea was abhorrent.

On the general subject of our present conflict, involving as it does our individual as well as State existence, he said all wars were calamities—the greatest that can befall a people, except, perhaps, direct visitations from Providence, such as famines,

plagues, and pestilence. The greater the war, the greater the calamity. This war is a great calamity to us. We all feel it. It is the greatest war, and waged on the largest scale of any since the birth of Christ, the history of the world—not excepting the crusades—furnishing no parallel to it in the present era.

The responsibility and guilt of it must be fearful somewhere. As great calamities as wars are, they are, however, sometimes necessary. Often forced by the highest dictates of patriotism—like “offences” we are told of—they sometimes needs come. They are, however, never right or justifiable on both sides. They may be wrong on both sides, but can never be right on both. Unjust wars, by the unanimous consent of civilized men, are held as they should be, in condemnation and reprobation. People, therefore, as well as their rulers, to whom such high trusts are confided, should look well to it, and see that they are right before appealing to this last and most terrific arbitrament of arms.

Some thoughts on this subject, Mr. Stephens said, might not be out of place, even there. These he dwelt upon at some length, showing the justice of our cause and the wanton aggression of the enemy. He traced the history of the controversy between the southern and northern States, the principles and nature of our government, the independence and sovereignty of the States, and the right of each to control its own destinies and act for itself in the last resort, as each State might think best for itself. It was wholly immaterial, he said, in considering the question of right and justice, now to look any further than the solemn act of the States of the South, after mature deliberation, each acting for itself in its sovereign capacity. Each State had the right thus to act, and when each for itself had thus acted, no power on earth had the right justly to gainsay it.

The old Union was formed by the States, each acting for itself in its sovereign character and capacity with the object and purpose of advancing their interests respectively thereby. Each State was the sole judge in the last resort, whether the future interest, safety and well-being of her people, required her to resume those sovereign powers, the exercise of which had been delegated to other hands under the old compact of Union. These principles have ever been held not only true, but sacred, with the friends of constitutional liberty in all the States since the old Union was formed. They rest upon that fundamental principle set forth in the Declaration of Independence, that all governments “derive their just powers from the consent of the governed.” The States South, therefore, had done nothing but what was their right—their inalienable right to do, the same as their ancestors did, in common with the North, when they severed their connection with the British government.

This war was waged by the North in denial of this right, and for the purpose of conquest and subjugation. It was, therefore, aggressive, wanton and unjust. Such must be the judgment of

mankind, let its results be what they may. The responsibility, therefore, for all its sacrifices of treasure and blood, heretofore, or hereafter to be made in its prosecution, rests not upon us.

Mr. Stephens said that soon after the first battle of Manassas, duty called him to our camps near that point. He went over the ground on which that conflict had taken place. The evidences of the late terrible strife were still fresh and visible all around. The wide-spread desolation, the new-made graves, and the putrid animal remains not yet removed by the vultures, fully attested what a scene of blood it had been. While surveying the hills and defiles over which the various columns of our men and the enemy passed and were engaged on that memorable day, amongst many other things that crowded themselves upon his mind, were two dying expressions reported to have been uttered in the midst of the battle. One was by a soldier on the side of the enemy, who, fallen and weltering in his blood, exclaimed, "My God! what is all this for?" The other was by the lamented Bartow, who said, "Boys, they have killed me, but never give it up." These two exclamations were made at no great distance apart, and perhaps near the same time.

"What is all this for?" Mr. Stephens said he could but think the question was pertinent to both sides, and most pertinent from him who uttered it, addressed to all his invading comrades and those who sent them. Well might he there, in the agonies of death, in the din and dust of strife, in the clangor of arms and the thunder of artillery, ask, "What is all this for?" Why this array of armies? Why this fierce meeting in mortal combat? What is all this carnage and slaughter for? The same question is still as pertinent to those who are waging this war against us, as it was then. Why the prolongation of this conflict? Why this immense sacrifice of life in camp, and the numerous battles that have been fought since? Why this lamentation and mourning going up from almost every house and family from Maine to the Rio Grande, and from the Atlantic and Gulf to the lakes, for friends and dear ones who have fallen by disease and violence in this unparalleled struggle? The question, if replied to by the North, can have but one true answer. What is all this for on their part, but to overturn the principle upon which their own government, as well as ours, is based—to reverse the doctrine that governments derive their "just powers from the consent of the governed?" What is it for but to overturn the principles and practice of their own government from the beginning. That government was founded and based upon the political axiom that all States and people have the inalienable right to change their forms of government at will.

This principle was acted on in the recognition by the United States of the South American republics. It was the principle acted on in the recognition of Mexico. It was acted on in the struggle of Greece, to overthrow the Ottoman rule. On that

question the greatest constitutional expounder of the North, Mr. Webster, gained his first laurels as an American statesman. This principle was acted on in the recognition of the government of Louis Phillippe, on the overthrow of Charles X. of France, and again in the recognition of the Lamartine government on the overthrow of Louis Phillippe in 1848. At that time every man at the North in Congress, save one, Mr. Stephens believed, voted for the principle. The same principle was again acted upon without dissent in 1852, in the recognition of the government of Louis Napoleon. The same principle was acted upon in the recognition of Texas, when she seceded or withdrew from the government of Mexico.

Many at the North opposed the admission of Texas, as a State in our then Union. But there was little, if any, opposition to her recognition as an independent outside republic. Strange to say, many of those who were then fiercest in their opposition to Texas coming into the Union, are now the fiercest in their denial of the unquestioned right acknowledged to her before. Well may any and every one, North or South, exclaim, what is all this for? What have we done to the North? When have we ever wronged them? We quit them, it is true, as our ancestors and their ancestors quit the British government. We quit as they quit, upon a question of constitutional right. That question they determined for themselves, and we have but done the same. What, therefore, is all this for? Why this war on their part against the uniform principles and practices of their own government? There is but one plausible pretext for it; that is to exterminate our southern institutions. It is to put the African on an equality with the white man. It is to conquer and subjugate independent and sovereign States, who deny their authority rightfully to rule over them. It is a war, in short, on their part, against right, against reason, against justice, against nature.

If asked, on our side, what is all this for? The reply from every breast is, that it is for home, for firesides, for our altars, for our birthrights, for property, for honor, for life—in a word, for every thing for which freemen should live, and for which all deserving to be freemen should be willing, if need be, to die.

On the present condition and prospect of our affairs, Mr. Stephens said he had nothing new to say, and nothing that was not known to all. From the past we had nothing to be discouraged for the future. We had met with some reverses, but of eighteen months fighting, we had lost no great battle. We had gained many brilliant victories. The aggregate of advantage of the fight on land thus far had been decidedly on our side. This was no small consideration for hope and encouragement, looking at the odds against us. At the beginning the enemy had all the army, all the navy, all the revenue, all the credit, as well as the prestige of the name of the old government, on their side. We were few in number compared with them; without a regiment or a ship,

without a dollar, and without credit except such as the righteousness of our cause inspired in the breasts of our own people secured. Thus we entered the contest, and thus we have maintained it. At first 75,000 men were thought sufficient to conquer us. This failing, 600,000 were called to the field. These, too, failing, 600,000 more have been added, with a view to crush us out with numbers. Judging from indications, the enemy seem determined to put forth all their power. This is the present prospect. We should be prepared to meet it to the best of our ability. No one should despair or even despond from this array of new forces to be brought against us. We may not be able to match them in numbers. We are not able to do it, and should not attempt it. It is not necessary to do it, to secure ultimate success, if we avail ourselves of our advantages properly and wisely. Numbers is one advantage the enemy has, and had from the beginning. We have advantages on our side which we should avail ourselves of. Frederick of Prussia fought all the great neighboring powers of Europe for seven years and was successful in the end. The greatest number he could bring into the field was 200,000 against 600,000. With this disparity of three to one, they thought they could crush him, but they did not. It is true, his country was overrun, and his capital, Berlin, was twice taken and sacked during the war. He, however, did not give it up. Richmond has not yet been taken, though three powerful onward movements have been made against it. If Richmond should yet fall, and twice fall, we should be no worse off than Prussia was in a like calamity; nor should we be less disposed than the great Frederick to give it up for a like cause.

The war of our first independence lasted seven years. During that struggle, several of the States were overrun, occupied, and held for long periods by the enemy. The men of that "day that tried men's souls" felt no inclination, on that account, to "give it up." Philadelphia, their capital, was taken, but they did not "give it up," or think of giving up the cause. They fought on, as we can, for the same principles and rights, until final success. Nor have our suffering or sacrifices, as great as they are, been any thing like as severe as theirs were. If they suffered and bore with patience and fortitude all they did to acquire and establish principles so dear to them and to us, well may we, with equal patience and fortitude, bear all now upon us, and all that may hereafter await us, to maintain them.

The ability of a people to support and wage war depends partly upon their resources, and partly upon the skill and economy with which they are wielded. We have resources—elements of power to wage war successfully, unknown to Frederick or the men of '76. All necessities of life, food and clothing, with the materials and munitions of war, can, with skill and forecast, be made and supplied within ourselves. This goodly land of ours is unequalled, or at least unsurpassed by any other

part of the habitable globe in the character and variety of its natural products, suited to man's needs and wants in every emergency. Its mineral resources are also inexhaustible. It is a land well worth fighting for. Our means are sufficient; they have only to be properly and skilfully developed and applied.

But besides the products necessary to sustain ourselves, to support our armies, and carry on war, we have another element of tremendous power, if properly used and applied—a resource and power unknown in European wars, and unknown to our ancestors in the war of their revolution. Mr. Stephens here said he alluded to our great staple, cotton; and he should not have said more upon it at this time, than barely to ask those present to call to their minds what he had said to most of them last year upon that subject, when he addressed them upon the cotton loan, but for some misconceptions that had got in the public mind from a paragraphic report of some remarks he made at a meeting lately in Sparta. Some, from that report, said Mr. Stephens, have taken the idea that I urged upon the planters there, to plant largely of cotton next year. Allow me in this connection to say, that nothing could be further from the fact. I urged upon the planters there, first and above all, to grow grain and stock for home consumption and to supply the army. What I said at Sparta upon the subject of cotton, many of you have often heard me say in private conversation, and most of you, in the public speech last year, to which I alluded. Cotton, I have maintained, and do maintain, is one of the greatest elements of power, if not the greatest at our command, if it were but properly and efficiently used as it might have been and still might be. Samson's strength was in his locks. Our strength is in our locks—not of hair or wool, but in our locks of cotton. I believed from the beginning that the enemy would inflict upon us more serious injury by the blockade than by all other means combined. It was, in the judgment of all, a matter of the utmost, if not vital importance to have it raised, removed or broken up. How was it to be done? That was and is the question. It was thought by many that such was the demand for cotton in England, that she would disregard the blockade, as it was, and has been all along, not within the terms of the Paris agreement, that is, has not been, at any time, entirely effectual, though close enough to do us great injury. I did not concur in this opinion, as most of you well know. I thought it would have to be done by ourselves, and could be done through the agency of cotton—not as a political, but as a commercial and financial power. I was in favor, as you know, of the government's taking all the cotton that would be subscribed for eight per cent. bonds at a rate or price as high as ten cents a pound. Two millions of the last year's crop might have been counted upon as certain on this plan. This, at ten cents, with bags of the average commercial weight,

would have cost the government one hundred millions of bonds. With this amount of cotton in hand and pledged, any number, short of fifty, of the best iron-clad steamers could have been contracted for and built in Europe—steamers at the cost of two millions each could be procured every way equal to the Monitor. Thirty millions would have got fifteen of these, which might have been enough for our purpose. Five might have been ready by the first of January last to open some one of the ports blockaded on our coast. Three of these could have been left to keep the port open, and two could have convoyed the cotton across the water if necessary. Thus, the debt could have been promptly paid with cotton at a much higher price than it cost, and a channel of trade kept open till others, and as many more as necessary, might have been built and paid for in the same way. At a cost of less than one month's present expenditure on our army, our coast might have been cleared. Besides this, at least, two more millions of bales of the old crop on hand might have been counted on—this with the other making a debt in round numbers to the planters of \$200,000,000. But this cotton, held in Europe until its price shall be fifty cents a pound, would constitute a fund of at least \$1,000,000,000, which would not only have kept our finances in sound condition, but the clear profit of \$800,000,000 would have met the entire expenses of the war for years to come.

In this way cotton, as a great element of power at our command—such an element as no other people ever had—might have been used, not only in breaking up the blockade by our own means, without looking to foreign intervention, but in supplying the treasury with specie to pay interest on their bonds, thus giving a credit that no government ever had before. The public credit is as essential as subsistence in war. Such, at least, was, and is my opinion. The government, however, took a different view of the subject. Many thought it unconstitutional. Some looked upon it as a project to relieve the planters. Others thought it nothing short of a South sea speculation. I considered it then and now just as constitutional as to give bonds for gunpowder, or to buy other munitions of war. It was not with a view to relieve the planters, though its incidental accommodation to them would not have been objectionable, but with the view of wielding effectually the element of the greatest power we could command, that I wished this course adopted. This resource then; this element of power we still have—though not to the same extent. There is enough, however, to effect wonderful results, if properly used, as it can be. We may have lost a year or two, but we are far short of seven years' war yet. With our ports open many of the present evils and hardships of the war would be relieved. We would no longer have to give fifty dollars for a bushel of Liverpool salt, or ten dollars for the roughest sort of shoes. With ports open and this in hand, we should be much better able to

make it a Peloponesian struggle, if our enemy choose so to make it. This view and one other idea I presented to the people at Sparta, upon the subject of cotton, which I will repeat here.

Many to be met with, suppose that by abandoning the growth of cotton and burning what we have, we can force our recognition abroad. This, I told the people there and tell you, is, in my judgment, a radical and fundamental error. England will never be controlled by such a policy. Our cotton should be treasured up, not sold—more precious is it than gold—for it is more powerful, as a sinew of war, than gold is. Like gold, and every thing else of value, it should be destroyed, if need be, to prevent its falling into the hands of the enemy, but with no view to a foreign policy; nor should the production of cotton be abandoned, with such a view. You could not please Lord Palmerston better than to let him know that there would not be grown a pound of cotton in the southern confederacy for twenty years. The power of cotton is well known to and felt by British statesmen. They know it is King in its proper sphere, and hence they want the sceptre of this King for their own use.

The great error of those who suppose that King cotton would compel the English ministry to recognize our government and raise the blockade, and who will look for the same result from the total abandonment of its culture, consists in mistaking the nature of the kingdom of this potentate. His power is commercial and financial—not political. It has been one of the leading objects of Lord Palmerston, ever since he has been in office, to stimulate the production of cotton in his own dominions—or those of his sovereign—so as not to be dependent upon us for a supply. This he cannot do to any extent, while his inexperienced producers have to compete with us. Cotton can be raised in their East India possessions and those on the western coast of Africa, at eighteen or twenty cents a pound; but it cannot be raised there profitably to any extent in competition with us at eight or ten cents. If assured, however, of no competition from this quarter, they could, or it is believed would, after a while, get to producing it as cheaply as we can.

Improvements in agriculture are slower in their progress than in any other department of life. No one can safely or wisely say how cheaply cotton may or may not be grown in those countries, with a few years, absolute control of the market, nor that the quality of the article may not be as good. No one can tell what may be effected by improvements in agriculture and the introduction of new varieties suitable to climate and soil. More money can be made here by growing cotton now at eight cents a pound, than could be made at eighteen cents forty years ago. The quality is also greatly superior to the old black seed. More persons can now pick three hundred pounds a day than could pick one hundred when I can first recollect; and one hand and horse or mule can cultivate twice as much land. It is a great mistake, I think, to

suppose cotton cannot be grown as cheaply, and with as good a staple—fine a fibre—in other countries, as it can in this—not in all places where it is now grown, but in some.

There is nothing within the bounds of human knowledge on which reliance can be placed with such certainty as to results, as upon the laws of nature. It is on these laws governing the races of men that our institutions are based. And there is nothing better ascertained in the floral kingdom, than that on the same geological formation, within the same lines of temperature and climatic conditions (either from altitude or latitude) the same species and varieties of plants will grow, each producing its like under similar culture to as great perfection in one hemisphere as the other, and upon one continent as another. We have one advantage in the production of cotton which they have not in the British provinces. This has no reference to climate, soil or varieties. It is our system of labor. On our advantage in this particular, and to this extent (which is no inconsiderable item) we may rely in looking at the prospect of competition in the future, with these countries, should they, by a continuation of our blockade, or our necessary abandonment of the culture for a time, have the market of the world to themselves.

We should not, therefore, think of abandoning the production of cotton, with any idea of thereby advancing our interests—politically—abroad. This would be but playing into the hands of those powers who are trying to break it down. We have had to curtail it, and shall have to curtail it while the war lasts—especially while the blockade continues. Duty and patriotism, as well as necessity, require this. The first great object of all now, should be to sustain our cause; to feed, as well as clothe men in the field. To do this besides raising sufficient provisions for home consumption, will necessarily require larger grain crops. To have an abundance for home consumption, and for the army, should be the object of every one. This is dictated by the highest considerations of home policy, and not from any view of advancing our interests abroad. On the contrary, after sufficient provisions are made for home consumption and to supply the army, the more cotton that can be grown the better. How to regulate this is a difficult matter. When the duty rests upon all alike to grow grain, and raise stock for food, some may be disposed to neglect it. How to meet this difficulty is itself a difficult question. It might perhaps be done by each State's passing a similar law upon the subject, limiting the production of each hand engaged in its culture. This would require concert of action. What the limitation should be, I am not prepared to say. I have not the necessary estimates and statistics.

On the subject of foreign recognition, Mr. Stephens said he saw no change in the prospect. Foreign governments, he thought, were very much disposed to stand aloof from this contest. He did not believe they really sympathized with either side—he

meant the ruling classes. The masses of the people, and the commercial interests generally, he thought did sympathize with us. Not so with their rulers. They care but little for the success of either the North or the South. Some of our people were disposed to think that their sympathies were with the North, while the northern papers were charging them with sympathy for us. He thought they had no kind feelings for either, but rather rejoiced to see professed republicans cutting each other's throats. He thought the remark reported to have lately been uttered by Carlyle in his quaint style, embodied in a nutshell the diplomatic feelings of Europe toward the cause on both sides. The remark was that, "It was the foulest chimney that had been on fire for a century, and the best way is to let it burn itself out."

They were against republicanism. They are hostile to the principle that man is capable of self-government. They are doubtless in hope that this principle will be extinguished on both sides of the line before the contest ends. They were wise enough to see that the North (from the course commenced there) would soon run into anarchy or despotism, and they are perhaps looking for the same fate to befall us. This has usually been the fate of republics; and one of the highest duties we have to perform to ourselves and posterity, was to see that their expectations shall fail so far as we are concerned. We have a high mission to perform; and Mr. Stephens trusted the people of the South would prove themselves equal to the task of its performance. We have our independence to maintain and constitutional liberty to preserve. With us now rest the hopes of the world. The North has already become a despotism. The people, there, while nominally free, are in no better condition, practically, than serfs. The only plausibility they have for the war is to make freemen of slaves, and those of an inferior race, while their efforts in this unnatural crusade thus far have resulted in nothing but making slaves of themselves. Presidential proclamations supersede and set aside both laws and constitutions. Liberty with them is but a name and a mockery. In separating from them, we quit the Union, but we rescued the constitution. This was the Ark of the Covenant of our fathers. It is our high duty to keep it, and hold it, and preserve it forever. Independence with us was, said Mr. Stephens, a great object, but no greater than the maintenance and perpetuation of constitutional liberty. The latter was even more important than the other. Independence was resorted to as the only means to secure and maintain for ourselves constitutional rights. Let both independence and constitutional liberty be kept constantly in view. Away with the idea of getting independence first, and looking after liberty afterward. Our liberties once lost, may be lost forever.

SPEECH ON THE STATE OF THE CONFEDERACY, DELIVERED BEFORE THE GEORGIA LEGISLATURE, AT MILLEDGEVILLE, GEORGIA; REPORTED BY A. E. MARSHALL, AND REVISED BY HIMSELF. ON WEDNESDAY NIGHT, MARCH 16th, 1864.

At the hour of 7½ o'clock, P. M., the Hall had been filled to its utmost capacity by members of the legislature and citizens generally, and as the vast assemblage within saw the beloved form of Georgia's proud and noble son, every eye grew bright with joy, and a hearty and unanimous applause bid him welcome.

MR. STEPHENS ascended the Speaker's stand and spoke as follows:

Gentlemen of the Senate and House of Representatives:

In compliance with your request, or at least with that of a large portion of your respective bodies, I appear before you to-night to speak of the state of public affairs. Never, perhaps, before, have I risen to address a public audience under circumstances of so much responsibility, and never did I feel more deeply impressed with the weight of it. Questions of the most momentous importance are pressing upon you for consideration and action. Upon these I am to address you. Would that my ability, physically, and in all other respects, were commensurate with the magnitude of the occasion. We are in the midst of dangers and perils. Dangers without and dangers within. Scylla on the one side and Charybdis on the other. War is being waged against us by a strong, unscrupulous and vindictive foe; a war for our subjugation, degradation and extermination. From this quarter threaten the perils without. Those within arise from questions of policy as to the best means, the wisest and safest, to repel the enemy, achieve our independence, to maintain and keep secure our rights and liberties. Upon the decision of these questions, looking to the proper development of our limited resources, wisely and patriotically, so that their entire efficiency may be exerted in our deliverance, with at the same time a watchful vigilance to the safety of the citadel itself, as much depends as upon the skill of our commanders and the valor of our citizen soldiers in the field. Every thing dear to us as freemen is at stake. An error in judgment, though springing from the most patriotic motives, whether in councils of war or councils of state, may be fatal. He, therefore, who rises under such circumstances to offer words of advice, not only assumes a position of great responsibility, but stands on dangerous ground. Impressed profoundly with such feelings and convictions, I should shrink from the undertaking you have called me to, but for the strong consciousness that where duty leads no one should ever fear to tread. Great as are the dangers that threaten us, perilous as is our situation—and 1

do not intend to overstate or understate, neither to awaken undue apprehension, or to excite hopes and expectations never to be realized—perilous, therefore, as our situation is, it is far, far from being desperate or hopeless, and I feel no hesitation in saying to you, in all frankness and candor, that if we are true to ourselves, and true to our cause, all may yet be well.

In the progress of the war thus far, it is true there is much to be seen of suffering, of sacrifice and of desolation; much to sicken the heart and cause a blush for civilization and Christianity. Cities have been taken, towns have been sacked, vast amounts of property have been burned, fields have been laid waste, records have been destroyed, churches have been desecrated, women and children have been driven from their homes, unarmed men have been put to death, States have been overrun and whole populations made to groan under the heel of despotism; all these things are seen and felt, but in them nothing is to be seen to cause dismay, much less despair; these deeds of ruin and savage barbarity have been perpetrated only on the outer borders, on the coast, and on the line of the rivers, where by the aid of their ships of war and gunboats the enemy has had the advantage; the great breadth of the interior—the heart of our country—has never yet been reached by them; they have as yet, after a struggle of nearly three years, with unlimited means, at a cost of not less than four thousand millions of dollars (how much more is unknown) and hundreds of thousands of lives, been able only to break the outter shell of the Confederacy. The only signal advantages they have as yet gained have been on the water, or where their land and naval forces were combined. That they should have gained advantages under such circumstances, is not a matter of much surprise. Nations in war, like individual men or animals, show their real power in combat when they stand upon the advantages that nature has given them, and fight on their own ground and in their own element. The lion, though king of the forest, cannot contend successfully with the shark in the water. In no conflict of arms away from gunboats, during the whole war, since the first battle of Manassas to that of Ocean Pond, have our gallant soldiers failed of victory when the numbers on each side were at all equal. The furthest advance into the interior from the base and protection of their gunboats, either on the coast or the rivers, that the enemy has been able to make for three years was the late movement from Vicksburg to Meridian, and the speedy turn of that movement shows nothing more clearly than the difficulties and disadvantages attending all such; these things should be noted and marked in considering our present situation and the prospects of the future. In all our losses up to this time, no vital blow has yet been given either to our cause or our energies. We still hold Richmond, after repeated efforts to take it, both by force and strategy. We still hold on the Gulf, Mobile, and, on the ocean front, Wilming-

ton, Savannah and Charleston. These places have been, and are still held against the most formidable naval armament ever put afloat.

At Charleston the enemy seem to direct all their power, land and naval, that can be brought to bear in combination—all their energy, rancor, and vengeance. "*Carthago delenda est*," is their vow as to this devoted city. Every means that money can command and ingenuity suggest, from the hugest engines of war never before known to the fiendish resort of Greek fire, have been and are being applied for its destruction. For nearly nine months the city, under the skill of our consummate commander, his subordinates, and the heroic virtues of our matchless braves in the ranks, still holds out against all the disadvantages of a defence without suitable naval aid. That she may continue to hold out, and her soil never be polluted by the unhallowed footprints of her vengeful besiegers, is, of course, the earnest wish of all. But even if so great a disaster should happen to us as the loss of Charleston, be not dismayed, indulge no sentiment akin to that of despair—Charleston is not a vital part. We may lose that place, Savannah, Mobile, Wilmington, and even Richmond, the seat of government, and still survive. We may lose all our strong places—the enemy may traverse our great interior as they have lately done in Mississippi, and we may still survive. We should, even under such calamities, be no worse off than our ancestors were in their struggle for independence. During the time that "tried men's souls" with them every city on the coast, from Boston to Savannah, was taken by the enemy. Philadelphia was taken, and Congress driven away. South Carolina, North Carolina, portions of Georgia, Virginia, and other States, were overrun and occupied by the enemy as completely as Kentucky, Missouri, Louisiana and Tennessee are now. Take courage from the example of your ancestors—disasters caused with them nothing like dismay or despair—they only aroused a spirit of renewed energy and fortitude. The principles they fought for, suffered and endured so much for, are the same for which we are now struggling—State rights, State sovereignty, the great principle set forth in the declaration of independence—the right of every State to govern itself as it pleases. With the same wisdom, prudence, forecast and patriotism; the same or equal statesmanship on the part of our rulers in directing and wielding our resources, our material of war, that controlled public affairs at that time, in the camp and in the cabinet, and with the same spirit animating the breast of the people, devotion to liberty and right, hatred of tyranny and oppression, affection for the cause for the cause's sake; with the same sentiments and feelings on the part of rulers and people in these days as were in those, we might and may be overrun as they were; our interior may be penetrated by superior hostile armies, and our country laid waste as theirs was, but we can never be conquered, as they never could be. The issues of war

depend quite as much upon statesmanship as generalship; quite as much upon what is done at the council board, as upon what is done in the field. Much the greater part of all wars, is business—plain practical every-day-life business; there is in it no art or mystery or special knowledge, except good, strong, common sense—this relates to the finances, the quartermaster's and commissary's departments, the ways and means proper—in a word to the resources of a country and its capacities for war. The number of men that can be spared from production, without weakening the aggregate strength—the prospect of supplies, subsistence, arms and munitions of all kinds. It is as necessary that men called out should be armed, clothed, shod and fed, as that they should be put in the field—subsistence is as essential as men. At present we have subsistence sufficient for the year, if it is taken care of and managed with economy. Upon a moderate estimate, one within reasonable bounds, the tithes of wheat and corn for last year were not less, in the States east of the Mississippi, (to say nothing of the other side,) than eighteen million bushels. Kentucky and Tennessee are not included in this estimate. This would bread an army of five hundred thousand men and one hundred thousand horses for twelve months, and leave a considerable margin for waste or loss. This we have without buying or impressing a bushel or pound. Nor need a bushel of it be lost on account of the want of transportation from points at a distance from railroads. At such places it could be fed to animals, put into beef and pork, and thus lessen the amount of these articles of food to be bought. Upon a like estimate the tithe of meat for the last year, will supply the army for at least six months—rendering the purchase of supplies of this article necessary for only half the year—the surplus in the country, over and above the tithes, is ample to meet the deficiency. All that is wanting is men of business capacity, honesty, integrity, economy and industry in the management and control of that department. There need be no fear of the want of subsistence this year, if our officials do their duty. But how it will be next year, if the policy adopted by Congress, at its late session, is carried out, no one can safely venture to say.

This brings me to the main objects of this address, a review of those acts of Congress to which your attention has been specially called by the governor, and on which your action is invoked—these are, the currency, the military, and the *habeas corpus* suspension acts. It is the beauty of our system of government, that all in authority are responsible to the people. It is, too, always more agreeable to approve than to disapprove what our agents have done. But in grave and important matters, however disagreeable or even painful it may be to express disapproval, yet sometimes the highest duty requires it. No exceptions should be taken to this when it is done in a proper spirit, and with a view solely for the public welfare. In free

governments men will differ as to the best means of promoting the public good. Honest differences of opinion should never beget ill feelings, or personal alienations. The expressions of differences of opinion do no harm when truth alone is the object on both sides. Our opinions in all such discussions of public affairs, should be given as from friends to friends, as from borthers to brothers, in a common cause. We are all launched upon the same boat, and must ride the storm or go down together. Disagreements should never arise, except from one cause—a difference in judgment, as to the best means to be adopted, or course to be pursued, for the common safety. This is the spirit by which I am actuated in the comments I shall make upon these acts of Congress.

As to the first two of these measures, the Tax Act and Funding Act, known together as the financial and currency measures, I simply say, in my judgment, they are neither proper, wise or just. Whether in the midst of conflicting views, in such diversity of opinion and interests, any thing better could not be obtained, I know not—perhaps not. With that view we may be reconciled to what we do not approve. It is useless now to go into discussions of how better measures might have been obtained, or how bad ones might have been avoided—the whole is a striking illustration of the evils attending first departures from principle—the “*facilis descensus Averno.*” Error is ever the prolific source of error. Our present financial embarrassments had their origin in a blunder at the beginning, but we must deal with the present, not the past. These two acts make it necessary for you to change your legislation to save the State from loss. As to the course you should adopt to do this, I know of none better than that recommended by the governor. His views and suggestions on this point seem to be proper and judicious.

The military act by which conscription is extended so as to embrace all between the ages of seventeen and fifty, and by which the State is to be deprived of so much of its labor, and stripped of the most efficient portion of her enrolled militia, presents a much graver question. This whole system of conscription I have looked upon from the beginning as wrong, radically wrong in principle and in policy. Contrary opinions, however, prevailed. But whatever differences of opinion may have been entertained as to the constitutionality of the previous conscript acts, it seems clear to my mind that but little difference can exist as to the unconstitutionality of this late act. The act provides for the organizing of troops of an anomalous character—partly as militia and partly as a portion of the regular armies. But, in fact, they are to be organized neither as militia or part of the regular army. We have but two kinds of forces, the regular army and the militia—this is neither. The men are to be raised as conscripts for the regular forces, while their officers are to be appointed as if they were militia. If they were intended as militia, they should have

been called out, through the governor, in their present organizations—if as regular forces, they cannot be officered as the act provides. It is most clearly unconstitutional. Who is to commission these officers? The governor cannot, for they are taken from under his control; the President cannot constitutionally do it, for he can commission none except by and with the advice and consent of the Senate. It is for you to say whether you will turn over these forces, and allow them to be conscripted, as is provided, leaving the question of constitutionality for the courts, or whether you will hold them in view of agricultural and other interest, or for the execution of your laws, and to be called out for the public defence in case of emergency by the governor when he sees the necessity, or when they are called for as militia by the President. The act upon its face, in its provisions for details, seems to indicate that its object is not to put the whole of them in the field. Nothing could be more ruinous to our cause if such were the object and intention, and should it ever be carried into effect. For if all the white labor of the country, from seventeen to fifty—except the few exemptions stated—be called out and kept constantly in the field, we must fail, sooner or later, for want of subsistence and other essential supplies. To wage war successfully, men at home are as necessary as men in the field. Those in the field must be provided for, and their families at home must be provided for. In my judgment, no people can successfully carry on a long war, with more than a third of its arms-bearing population kept constantly in the field, especially if, cut off by blockade, they are thrown upon their own internal resources for all necessary supplies, subsistence and munitions of war. This is a question of arithmetic on well settled problems of political economy. But can we succeed against the hosts of the enemy unless all able to bear arms up to fifty years of age are called to and kept in the field? Yes, a thousand times yes, I answer, with proper and skilful management. If we cannot without such a call, we cannot with it, if the war last long. The success of Greece against the invasion by Persia—the success of the Netherlands against Philip—the success of Frederick against the allied powers of Europe—the success of the colonies against Great Britain, all show that it can be done. If our only hope was in matching the enemy with equal numbers, then our cause would be desperate indeed. Superior numbers is one of the chief advantages of the enemy. We must avail ourselves of our advantages. We should not rely for success by playing into his hand. An invaded people have many advantages that may be resorted to, to counterbalance superiority of numbers. These should be studied, sought, and brought into active co-operation. To secure success, brains must do something as well as muskets.

Of all the dangers that threaten our ultimate success, I consider none more imminent than the policy embodied in this act, if the object really be, as its broad terms declare, to put and keep

in active service all between the ages of seventeen and fifty, except the exempts named. On that line we will most assuredly, sooner or later, do what the enemy never could do, conquer ourselves. And if such be not the object of the act—if it is only intended to conscript men not intended for service, not with a view to fill the army, but for the officials, to take charge of the general labor of the country and the various necessary vocations and pursuits of life, then the act is not only wrong in principle but exceedingly dangerous in its tendency.

I come, now, to the last of these acts of Congress. The suspension of the writ of *habeas corpus* in certain cases. This is the most exciting as it is by far the most important question before you. Upon this depends the question, whether the courts shall be permitted to decide upon the constitutionality of the late conscript act, should you submit that question to their decision, and upon it also depend other great essential rights enjoyed by us as freemen. This act upon its face, confers upon the President, secretary of war, and the general commanding in the trans-Mississippi department, (the two latter acting under the control and authority of the President,) the power to arrest and imprison any person who may be simply charged with certain acts, not all of them even crimes under any law; and this is to be done without any oath or affirmation alledging probable cause as to the guilt of the party. This is attempted to be done under that clause of the constitution, which authorizes Congress to suspend the privilege of the writ of *habeas corpus*, in certain cases.

In my judgment this act is not only unwise, impolitic and unconstitutional, but exceedingly dangerous to public liberty. Its unconstitutionality does not rest upon the idea that Congress has not got the power to suspend the privilege of this writ, nor upon the idea that the power to suspend it is an implied one, or that clearly implied powers are weaker as a class and subordinate to others, positively and directly delegated.

I do not understand the executive of this State to put his argument against this act upon any such grounds. He simply states a fact, as it most clearly is, that the power to suspend at all is an implied power. There is no positive, direct power delegated to do it. The power, however, is clear, and clear only by implication. The language of the constitution, that "the privilege of the writ of *habeas corpus* shall not be suspended unless, when in cases of rebellion or invasion, the public safety may require it," clearly expresses the intention that the power may be exercised in the cases stated; but it does so by implication only, just as if a mother should say to her daughter, you shall not go unless you ride. Here the permission and authority to go is clearly given, though by inference and implication only. It is not positively and directly given. This, and this only, I understand the governor to mean when he speaks of the power being an implied one. He raises no question as to the existence

of the power, or its validity when rightfully exercised, but he maintains, as I do, that its exercise must be controlled by all other restrictions in the constitution bearing upon its exercise. Two of these are to be found in the words accompanying the delegation. It can never be exercised except in rebellion or invasion. Other restrictions are to be found in other parts of the constitution—in the amendments to the constitution adopted after the ratification of the words as above quoted. These amendments were made, as is expressly declared in the preamble to them, to add “further declaratory and restrictive clauses,” to prevent “misconstruction or abuse of the powers” previously delegated. To understand all the restrictions, therefore, thrown around the exercise of this power in the constitution, these additional “restrictive clauses” must be read in conjunction with the original grant, whether that was made positively and directly, or by implication only. These restrictions, among other things, declare, that “no person shall be deprived of life, liberty, or property, without due process of law,” and that the right of the people to be secure in their persons, houses, papers and effects, against *unreasonable* searches and *seizures*, *shall not be violated*, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or thing to be seized.

All admit that under the clause as it stands in the original grant, with the restrictions there set forth, the power can be rightfully exercised only in cases of rebellion or invasion. With these additional clauses, put in as further restrictions to prevent the abuse of powers previously delegated, how is this clause conferring the power to suspend the privilege of the writ of *habeas corpus*, now to be read? In this way, and in this way only: “The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.” And no person “shall be deprived of life, liberty, or property, without due process of law.” And further. “The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

The attempted exercise of the power to suspend the privilege of the writ of *habeas corpus* in this act, is in utter disregard in the very face and teeth of these restrictions, as much so, as a like attempt in time of profound peace would be in disregard of the restrictions to cases of rebellion and invasion, as the constitution was originally adopted. It attempts to provide for depriving persons “of liberty, without due process of law.” It attempts to annul and set at naught the great constitutional “right” of the people, to be secure in their persons against “unreasonable

seizures." It attempts to destroy and annihilate the bulwark of personal liberty, secured in our great chart to the humblest as well as the highest, that "no warrants shall issue but upon probable cause, supported by oath or affirmation," and "particularly describing the person to be seized." Nay, more, it attempts to change and transform the distribution of powers in our system of government. It attempts to deprive the judiciary department of its appropriate and legitimate functions, and to confer them upon the President, the secretary of war, and the general officer commanding the trans-Mississippi department, or rather to confer them entirely upon the President, for those subordinates named in the act hold their places at his will, and in arrests under this act are to be governed by his orders. This, by the constitution, never can be done. Ours is not only a government of limited powers, but each department, the legislative, executive and judicial, are separate and distinct. The issuing of warrants, which are nothing but orders for arrests, against civilians or persons in civil life, is a judicial function. The President, under the constitution, has not the power to issue any such. As commander-in-chief of the land and naval forces, and the militia when in actual service, he may order arrests for trials before courts-martial, according to the rules and articles of war. But he is clothed with no such power over those not in the military service and not subject to the rules and articles of war. This act attempts to clothe him with judicial functions, and in a judicial character to do what no judge, under the constitution, can do: issue orders or warrants for arrest, by which persons are to be deprived of their liberty, imprisoned, immured in dungeons, it may be without any oath or affirmation, even as to the probable guilt of the party accused or charged with any of the offences or acts stated. This, under the constitution, in my judgment, cannot be done. Congress can confer no such power upon our chief magistrate. There is no such thing known in this country as political warrants, or "*lettres de cachet*." This act attempts to institute this new order of things so odious to our ancestors, and so inconsistent with constitutional liberty.

This act, therefore, is unconstitutional, not because Congress has not power to suspend the privilege of the writ of *habeas corpus*, but because they have no power to do the thing aimed at in this attempted exercise of it. Congress can suspend the privilege of the writ—the power is clear and unquestioned—neither is the power, as it stands, objectionable. Georgia, in the convention, voted against the clause conferring it in the constitution as originally adopted—that, perhaps, was a wise and prudent vote. But, with the restrictions subsequently adopted there can be no well grounded objection to it. It is, under existing restrictions, a wise power. In time of war, in cases of rebellion or invasion, it may often be necessary to exercise it—the public safety may require 't. I am not prepared to say that

the public safety may not require it now. I am not informed of the reasons which induced the President to ask the suspension of the privilege of the writ at this time, or Congress to undertake its suspension as provided in this act. I, however, know of no reasons that require it and have heard of none. But in the exercise of an undisputed power, they have attempted to do just what cannot be done—to authorize illegal and unconstitutional arrests. There can be no suspension of the writ, under our system of government, against unconstitutional arrests—there can be no suspension allowing, or with a view to permit and authorize, the seizure of persons without warrant issued by a judicial officer upon probable cause, supported by oath or affirmation—the whole constitution must be read together, and so read and construed as that every part and clause shall stand and have its proper effect under the restrictions of other clauses.

If any conflict arises between clauses in the original and the amendments subsequently made, the original must yield to the amendments—as a will previously made always yields to the modifications of a codicil. Such, of course, was the condition of the old constitution with its amendments, when the States of this confederacy adopted it—and it was adopted by these States with the meaning, force and effect it then had. In construing, therefore, those parts of the old constitution which we adopted, we stand just where we should have stood, under like circumstances, under it. With these views it will clearly appear that, under our constitution, courts cannot be deprived of their right or be relieved of their duty to inquire into the legality of all arrests except in cases arising in the land and naval forces or in the militia, when in actual service—for the government of which a different provision is made in the constitution. Under a constitutional suspension of the privilege of the writ, all the courts could do, would be to see that the party was legally arrested and held—upon proper warrant—upon probable cause, supported by oath or affirmation setting forth a crime or some violation of law. Literally and truly, then, the only effect of a constitutional exercise of this power over the writ of *habeas corpus* by Congress is to deprive a person, after being legally confined, of the privilege of a discharge before trial, by giving bail, or on account of insufficiency of proof as to probable cause or other like grounds. This *privilege* only can be *suspended*, and not the writ itself. The words of the constitution are aptly chosen to express the purpose and extent to which a suspension can go in this country. With this view the power is a wise one. It can work no serious injury to the citizen and it sufficiently guards the public safety. The party against whom a grave accusation is brought, supported by oath, or affirmation, founded upon probable cause, must be held for trial, and if found to be guilty is to be punished according to the nature of his offence. The monstrous consequences of any other view of the subject are appar-

ent. The exercise of the power by Congress may be either general or limited to special cases, as in this instance. If it had been general, under any other view, what would have been the condition of every citizen in the land? The weaker would have been completely in the power of the stronger, without remedy or redress. Any one in the community might seize, for any motive or for any purpose, any other, and confine him most wrongfully and shamefully. Combinations of several against a few might be formed for a like purpose, and there would be no remedy or redress against this species of licensed lawlessness. The courts would be closed—all personal security and personal safety would be swept away. Instead of a land of laws, the whole country would be no better than a Whitefriars domain—a perfect Alsatia. This would be the inevitable effect of the exercise of the power, by a general suspension, with any other view of the subject, than this presented. The same effects as to outrages upon personal rights must issue under a limited suspension confined to any specified cases under any other view. No such huge and enormous wrongs can ever spring from our constitution if it be rightly administered. So that the conclusion of the whole matter is well stated by the governor in his late message, in the brief, comprehensive, but exact terms: “The only suspension of the privilege of the writ of *habeas corpus* known to our constitution and compatible with the provisions already quoted, goes to the simple extent of preventing the release, under it, of persons whose arrests have been ordered, under constitutional warrants from judicial authority.”

On this subject much light is to be derived from English history. Our whole system of constitutional liberty rests upon principles established by our Anglo-Saxon ancestors. But between their system and ours, there are several differences that should be noted and marked—and none more striking and fundamental than the difference between the two upon this subject. With them the right of personal security against illegal arrests, was wrested from the crown by the parliament, and established by *magna charta*, the bill of rights, the abolition of star chamber, and the grant of the great right of the writ of *habeas corpus*, which is the means of redress against violations of law, and other wrongs against rights secured and acknowledged. In the abolition of the court of star chamber, the power was taken from the king, his heirs and successors forever, and every member of his privy council, to make any arrest of any person for any offence or alleged crime, except by due process of law. By this act, the power of the king to issue warrants or orders of arrest, unsupported by oath or affirmation, setting forth probable cause, which before had been claimed as a royal prerogative, was taken away from him and his successors forever. The ruling monarch, Charles I., gave his consent to the act, and yielded the power. He afterward broke his pledge. Civil commotions ensued from

this and other causes. He lost his head upon the block. The subsequent history of that strife between the people and the crown of England, on this and other matters, is not now pertinent to the object before us. Suffice it to say that it ended in the settlement, as it is termed, between the parliament and their new sovereigns, William and Mary—in 1688, '89. In this settlement, all the ancient rights and liberties of the English people, including the right of the writ of *habeas corpus*, were reaffirmed and secured. Such were the liberties, inherited as a birthright, that our British ancestors brought with them to this continent. The principles established in England, after centuries of struggle and blood, formed the basis upon which the great structure of American constitutional liberty was erected. But the striking difference between their system and ours, to which I have alluded, and which should never be lost sight of, is that, with them, all power originally belonged to the crown. All rights and liberties were grants from the crown to the parliament, and through them to the people, while with us all power originally belonged to the people—and, essentially, still resides with them. They have appointed agents to perform the functions of government in the different departments, executive, judicial, and legislative, under the form of government set forth in the constitution, clothed with the exercise of certain delegated, specific and limited powers. In England it is competent for the parliament at any time to return to the crown all the powers heretofore extorted from their kings. They are not restrained, as our Congress is, by a want of power to do so on their part. They can repeal, any day, *magna charta*, the *habeas corpus* act, and the whole bill of rights, and render their ruling monarch as absolute as either of the Tudors or Stuarts ever claimed or wished to be. The principles of *magna charta* as to personal liberty, and the rights of the writ of *habeas corpus* to secure those rights, are put in our fundamental law, and cannot be violated by Congress, for their powers are limited, and they are themselves bound by the constitution. That the British people would ever submit to a surrender of their rights by parliament, no one can for a moment believe. But parliament claims to be omnipotent, and could make the surrender, if they chose to run the risk. Hence analogies between this country and that on the suspension of the writ of *habeas corpus*, and the effect of such suspension, either generally or specially, should be closely scanned. Even in England, so great is the regard for liberty, suspensions have been rare since the settlement of 1688–89. The writ was suspended there in 1715 and in 1745—and in 1788 it was suspended in Ireland, with the power conferred on the lord-lieutenant to make arrest. Under the system of government in England, the parliament could confer this power upon the crown, or the lord-lieutenant, or upon any other person they saw fit. Not so with our Congress, under our constitution. In criticisms upon the governor's message, these suspensions have been alluded

to against the positions of the message. They are not in conflict at all. What the governor states is that he is not aware of any "instance in which the British *king* has ordered the arrest of any person in civil life in any other manner than by judicial warrant issued by the established courts of the nation, or in which *he* has suspended, or attempted to suspend, the privilege of the writ of *habeas corpus*, since the bill of rights and the act of settlement passed in 1689." He did not say that parliament had not suspended it, or that our Congress could not suspend it, in a proper way, but that even in England, where parliament was unrestrained, they had not, since the settlement, *conferred* upon the *crown* the power to make arrests, so far as he was aware.

At this point I will briefly refer to the suspension by our Congress, alluded to the other night by the distinguished gentleman (Hon. A. H. Kenan), who lately represented this district; a gentleman whose remarks I listened to with a great deal of interest, and whose personal friendship I esteem so highly. He referred to the act of the confederate Congress, passed October 13, 1862, and asked—Why were there no objections made to that? This act he read. I have it before me. It provides that the "President, during the present invasion, shall have the power to suspend the privileges of the writ of *habeas corpus* in any city, town, or military district, whenever, in his judgment, the public safety may require it; but such suspension shall apply only to arrests made by the authorities of the confederate government, or for offences against the same," and in section 2d, that "the President shall cause proper officers to investigate the cases of all persons so arrested, in order that they may be discharged if improperly detained, unless they can be speedily tried in due course of law." The 3d section limits the act to thirty days after the meeting of the next Congress.

The answer to the inquiry, why there was no noise made about this act, while there is so much made about the one lately passed, is twofold. In the first place, this act applied "only to arrests made by the *authorities* of the confederate government"—"for offences against the same." The *proper* authorities for issuing warrants to arrest, are the courts, whose duty it is to issue warrants for arrests whenever offences or crimes are charged upon oath or affirmation, stating probable cause. The section directing the President to cause "proper officers to investigate the cases, etc.," in its immediate connection with the proceeding, had nothing in it calculated to awaken, alarm, or excite objection, for by "*proper* officers" all naturally supposed *judicial* officers only could be meant—judges who would or might act in discharging under writs of *habeas corpus*, if that privilege had not been suspended. In this connection, these words seemed naturally enough to have a meaning far different from what they have when taken from their context and put into this late act, in which it is clear

enough they are there intended to apply to other than judicial officers. There was not then, nor now, any objection, as far as I am aware of, to the suspension of the privilege of the writ of *habeas corpus* in any city, town, or district, or generally throughout the country, if Congress really has good reasons to believe the public safety requires it, and if the power to suspend be constitutionally exercised. The objection to the late act is that it attempts to do what cannot constitutionally be done.

But in the second place, in answer to the inquiry, why no noise was made about the act of October, 1862, I need only say, that upon the bare statement of the real and substantial objections to that act, it was admitted to be unconstitutional and void, because it attempted to confer the power to suspend the writ upon the President, when, in his judgment, the public safety required it in the localities embraced in its terms. Congress alone, under the constitution, has the power to suspend the privileges of the writ. They cannot confer this power upon the President or anybody else. This is now conclusively admitted both by Congress and the President in the late act, for it is set forth in the preamble, "whereas, the power of suspending the privilege of said writ is vested solely in the Congress, etc." This is an admission on the record that the other act was unconstitutional and void. But, to my mind, it is just as clear that Congress cannot confer upon the President, or any other officer but a judicial one, the power to issue orders or warrants for the arrest of persons in civil life as it was then, and on the passage of a similar act previously that they could not confer the power upon the President to suspend the privilege of the writ of *habeas corpus*. The late act is just as void as the previous ones, and for a like reason. In it Congress has attempted to do what they had not power to do. The first act on the subject was assented to on the 27th February, 1862. That attempted to confer on the President the power not only to suspend the privilege of the writ of *habeas corpus* in certain cities, towns, military districts, etc., but to declare *martial law*, etc. This soon after was amended. But no one can say that during the progress of these events I was silent. My sentiments upon the subject of martial law, against the unconstitutional usurpations of power, were proclaimed throughout the confederacy, as they are now, and will be proclaimed against the dangerous departures from principle in this act. Martial law has been abandoned, and I trust the departures from principle in this act will be, too. I speak upon these as I wrote upon those. I have no inclination to arraign the motives of those who disagree with me. Great principles are at stake, and I feel impelled by a high sense of duty, when my opinions are sought, to give them fully, clearly and earnestly.

A few thoughts more upon the subject in another view. These relate to the objects and workings of the act, if it be sustained and carried out. You have been told that it affects none but the

disloyal, none but traitors, or those who are no better than traitors, spies, bridge-burners, and the like, and you have been appealed to and asked, if any such are entitled to your sympathies? I affirm, and shall maintain before the world that this act affects and may wrongfully oppress as loyal and as good citizens and as true to our cause as ever trod the soil or breathed the air of the South. This I shall make so plain to you that no man will ever venture to gainsay or deny it. This long list of offences, set forth in such array, in the thirteen specifications, are, as I view them, but rubbish and verbiage, which tend to cover and hide what in its workings will be found to be the whole gist of the act. Whether such was the real object and intention of its framers and advocates, I know not. Against their motives or patriotism I have nothing to say. I take the act as I find it. The real gist of the whole of it lies, so far as appears upon its face, covered up in the fifth specification near the middle of the act. It is embraced in these words—"and attempts to avoid military service!"

Here is a plain indisputable attempt to deny every citizen in this broad land the right, if ordered into service, to have the question whether he is liable to military duty under the laws tried and adjudicated by the courts? Whether such was the real object and intention of those who voted for the bill, I know not, but such would be its undeniable effect if sustained and enforced. A man over fifty years of age, with half a dozen sons in the field, who has done every thing in his power for the cause from the beginning of the war, may, under instructions from the secretary of war, be arrested by the sub-enrolling officer and ordered to camp, upon the assumed ground that, in point of fact, he is under fifty. Under this law, if it be law, he would be without remedy or redress. A case to illustrate by occurred within my own knowledge last fall. Orders were issued to examine the census returns of 1860, as to the ages of persons, and instructions given to sub-enrolling officers to be governed as to the age of parties by those returns. In the case alluded to by the census returns, the party was not forty-five at the time of arrest. He protested that he had not made the census returns himself—that the return was erroneous, it was not given in under oath—that he was able to prove by evidence entirely satisfactory, that he was over forty-five and not liable under the law as it then stood to military service. His privilege of the writ of *habeas corpus*—his right to have this question of fact and law settled by the courts—was not then suspended, and he was discharged. But what would be his situation, and that of all others in like circumstances, if this act be held to be law? It is said that the act affects none but the disloyal, and that no good law-abiding man can justly complain of it! As I view it, its main effect is to close the doors of justice against thousands of citizens, good and true, who may appeal to the courts for their legal rights. Take the

case of those who availed themselves of the law to put in substitutes—some for one motive, and some for another—some, doubtless, for not only good but patriotic motives, believing that they could render the country more service at home than in the field. I know one who has put in two, one when the call was for those up to thirty-five years of age, the other when the call was to forty-five. One of these substitutes was an alien, whose services could not have been commanded by the government, and who is now at Charleston, and has been during the whole siege of that place. This man, who put in these two substitutes, remained at home most usefully employed in producing provisions for the army. All his surplus went that way, while he had two men, abler bodied than he was, fighting for him in the field. Who would say that such a man is disloyal to the cause, if, believing in his heart that he was not liable under his contract, as he supposed, with his government, he should appeal to the courts to decide the question whether he is liable under the law or not? As to the law allowing substitutes in the first instance, and then the law abrogating or annulling it, and calling the principals into the field, I have nothing to say. What I maintain is, that it is the great constitutional right of any and every party affected by the last of these acts on the subject, to have the question of his legal liability judicially determined if he chooses, and then as a good law-abiding citizen act accordingly.

Take another illustration of the practical workings of the act. Congress by law exempted from conscription such State officers as the legislatures of the respective States might designate as proper to be retained for State purposes. At your last session you, by resolution, designated all the civil and militia officers of the State. A late order has been issued by General Cooper, as is seen in the papers, doubtless under order from the secretary of war, to enrol and send to camp a large number of these officers—amongst others, justices of the peace, tax receivers and collectors. This order is clearly against the law of Congress and your solemn resolution. It is in direct antagonism to the decision of the Supreme Court of this State, in the very case in which they sustained the power of Congress to raise troops by conscription, but in which they held that the power was limited, and that the civil officers of the States could not be constitutionally conscripted. I use the word *conscripted* purposely—I know there is no such word in the English language—neither is there any such word as *conscribe*, the one usually in vogue now a days. A new word had to be coined for a process or mode of raising armies, unheard of and undreamed of by our ancestors, and I choose to coin one which best expresses my idea of it. But under this order of General Cooper, is it not the right of these officers, is it not the right of the State, to have the question of their liability to conscription determined by the judiciary? Is it not the high duty of Congress to compel the secretary of

war and General Cooper to abide by that decision and to obey their own laws, instead of attempting to close the doors of the courts against the adjudication of all such matters that come within the sphere of their constitutional duties.

Again, Congress by the last section of the first conscript act, declared that all who were or should be subject to it might, previous to enrolment, volunteer in any companies then in the service. Notwithstanding this express law of Congress, securing the right of any person liable to conscription, to volunteer in *any company* then in the service previous to enrolment, General Cooper has issued an order, by direction of the secretary of war, doubtless, denying this right to volunteer in any company then in existence, unless the number in such company is less than sixty-four men. Under this illegal order a number of as brave, gallant, chivalrous, noble spirited youths, as ever went forth to battle for their country and peril their lives for constitutional liberty, will be deprived of their birthright—the right to have questions of law, affecting their liberty, determined by the courts—if this act, closing courts against them, shall be held to be valid! Tell me not that this act affects none but traitors, spies, and the disloyal. I heard not long since of a case in Albany; a father carried his son to the district enrolling officer; he had just arrived at the age when he was liable to conscription; he never wished him to go to the war as a conscript. His older brothers had gone before him, they went out early in the war as volunteers, and then formed part of that living wall of freemen which still stands between us and a ruthless foe. He told the enrolling officer, in substance, that he had brought his boy, the Benjamin of his heart, as another offering on the altar of his country. He was going as a volunteer under that clause of the act alluded to; he had selected the company to which his brothers belonged. He was told this could not be allowed. At this, the father was greatly surprised and mortified, as may be readily understood; he insisted upon the rights of his son. Great as his surprise was at first, however, greater was it still to be. The son was ordered to jail, to be sent to the camp of instruction, to be assigned to any company his officers might choose. The high spirited youth, scorning conscription, offering himself as a volunteer, asking nothing but his legal rights, instead of being sent on with cheers by the crowd, and a father's parting blessing, was sent to jail as a felon!

Can any one say that this was not a most shameful outrage?

It is, however, but one of a thousand cases like it that may occur, and probably will occur, should this law be held to be constitutional; and if the doors of the courts are to be closed against all who may be ordered to the military service, without any regard to law. I have here two letters which will further illustrate how this act will work. They are both addressed to the governor. One is from a Mr. Samuel H. Parker, written in Charleston jail.

[Here Mr. Stephens read the letter, stating that the writer was a native Georgian. That he lived in Whitfield county. That he was forty-seven years of age, as the record would show, then in Whitfield county. That he was at his home with his wife, (who was then sick,) with ten small children, on the 27th of February, of this year, when a party on horses came and arrested him, and carried him to Dalton. And from Dalton, he was carried to Atlanta. He protested that he was over age, and not liable to military duty; that he was forty-seven years old. He was told that that was the right age to make a soldier in South Carolina, and he was sent on to Charleston, where he was in jail. He appealed to the governor of his native State, and the State of his residence, to have justice done him.] Of this Mr. Parker, (said Mr. Stephens,) I know nothing, except what is stated in this letter. It may be false, and yet it *may* be true. If true, justice ought to be done to a man so greatly outraged and wronged. But whether true or false, the courts ought never to be closed against an inquiry into the facts, and never will be, so long as personal security has any protection in this country.

The other letter is from the Hon. John Oats, a member of this House, from the county of Murray. It is dated the 11th of this month, the day after the meeting of this session. [Here Mr. Stephens read Mr. Oats' letter, stating that he was detained at Atlanta, under very painful circumstances. His oldest son, who had been in the army, was subject to epilepsy, and had been discharged in consequence. That afterward, he had been carried before a board of physicians, who pronounced his case incurable, and he was given a certificate of final discharge, on the grounds of permanent disability. That on the morning Mr. Oats left home for Milledgeville, the provost-guard at Dalton, went to his house at Spring Place, and carried his son off to Dalton. They carried him from there to Cartersville, to Captain Starr, the enrolling officer for the tenth Congressional district, and he, knowing all about his case, sent him back to Dalton, stating in writing on the order, that he was sent there under, that according to law, and his orders from the war department, he was not liable to conscription. That on his return to Dalton, they put him in irons, and assigned him to Charleston, to go into the fortifications, and that he expected him in Atlanta that evening. He was waiting with the best counsel he could get, to see if there was any virtue in the writ of *habeas corpus*. He asked that the governor would get some member to procure for him leave of absence from the House.]

Well for Mr. Oats (said Mr. Stephens) and his afflicted son, there is some virtue yet in the writ of *habeas corpus*.

But what virtue would be in it, if it is denied under this act, to all who attempt to avoid military service. Nothing could induce me to read such letters on such an occasion, but a sense of

duty, to show you what will be the state of things all over the country, under the operation of such a law, when orders are issued for its enforcement, and to put you on your guard, against the flippant phrase that the act will effect none but traitors, spies, and disloyal people. Had it been in operation, had the courts regarded it, Mr. Oats' son, who had served his country faithfully, as long as he was able, might now have been beyond remedy, beyond redress, and beyond hope. Will you say, can you say, that the courts ought to be, or can be closed, against such monstrous wrongs? Will you not rather put upon the attempt to do it, the seal of your unqualified condemnation? Tell me not to put confidence in the President. That he will never abuse the power attempted to be lodged in his hands. The abuses may not be by the President. He will not execute the military orders that will be given. This will necessarily devolve upon subordinates, scattered all over the country, from the Potomac to the Rio Grande. He would have to possess two superhuman attributes, to prevent abuses—omniscience and omnipresence.

These things our forefathers knew, and hence they threw around the personal security of the free citizens of this country a firmer, safer, surer protection than confidence in any man, against abuses of power, even when exercised under his own eye and by himself. That protection is the shield of the constitution. See to it that you do not in an evil hour tear this shield off and cast it away, or permit others to do it, lest in a day you wot not of, you sorely repent it.

Enough has been said, without dwelling longer upon this point, to show, without the possibility of a doubt, that the act does affect others, and large classes of others, than spies, traitors, bridge-burners, and disloyal persons—that the very gist of the act, whatever may have been the intent or the motive, will operate most wrongfully and oppressively on as loyal, as patriotic, and as true men as ever inherited a freeman's birthright under a southern sky. You have also seen that there is and can be no necessity for the passage of such an act, even if it were constitutional, in the case of spies, traitors, or conspirators. For, if there be a traitor in the confederacy—if such a monster exists—if any well grounded suspicion is entertained that any such exists, why not have him legally arrested, by judicial warrant, upon oath or affirmation, setting forth *probable* cause, and then he can be held under a constitutional suspension of the privileges of the writ—he can be tried, and if found guilty, punished. What more can the public safety by possibility require? Why dispense with the oath? Why dispense with judicial warrants? Why put it in the power of any man on earth to order the arrest of another on a simple *charge*, to which nobody will *swear*? Who is safe under such a law? Who knows, when he goes forth, when or whether he shall ever return? The Presi-

dent, according to this act, is to have power to arrest and imprison whoever he pleases, upon a bare charge, made, perhaps, by an enemy of disloyalty, the party making the charge not being required to swear to it! Who, I repeat, is safe, or would be, under such a law? What were the real objects of the act, in these clauses, as to treason, disloyalty, and the others, I do not know. To me it seems to be unreasonable to suppose that it was to reach real traitors and persons *guilty* of the offences stated. For that object could have been easily accomplished without any such extraordinary power. I was not at Richmond when the act passed. I heard none of the discussions, and knew none of the reasons assigned, either by the President in asking it, or the members or senators who voted for it. I was at home, prostrate with disease, from which I have not yet recovered, and by reason of which I address you with so much feebleness on this occasion. But I have heard that one object was to control certain elections and expected assemblages in North Carolina, to put a muzzle upon certain presses, and a bit in the mouth of certain speakers in that State. If this be so, I regard it the more dangerous to public liberty. I know nothing of the politics of North Carolina—nothing of the position of her leading public men. If there be traitors there, let them be constitutionally arrested, tried, and punished. No fears need be indulged of bare error there, or anywhere else, if reason is left free to combat it. The idea is incredible, that a majority of the people of that gallant and noble old State, which was foremost in the war of the revolution in her ever memorable Mecklenburg declaration of Independence can, if let alone, ever be induced to prove themselves so recreant to the principles of their fathers as to abandon our cause and espouse the despotism of the North. Her people, ahead of all the colonies, first flaunted in the breeze the flag of Independence and State sovereignty. She cannot be the first to abandon it—no, never! I cannot believe it! If her people were really so inclined, however, we could not prevent it by force—we could not, under the constitution, if we would, and we ought not if we could. Ours is a government founded upon the consent of sovereign States, and will be itself destroyed by the very act whenever it attempts to maintain or perpetuate its existence by force over its respective members. The surest way to check any inclination in North Carolina to quit our sisterhood, if any such really exist even to the most limited extent amongst her people, is to show them that the struggle is continued as it was begun, for the maintenance of constitutional liberty. If, with this great truth ever before them, a majority of her people should prefer despotism to liberty, I would say to her, as to a “wayward sister, depart in peace.” I want to see no Maryland this side of the Potomac.

Another serious objection to the measure, showing its impolicy, is the effect it will have upon our cause abroad. I have never

looked to foreign intervention, or early recognition, and do not now. European governments have no sympathy with either side in this struggle. They are rejoiced to see professed republicans cutting each other's throats, and the failure, as they think, of the great experiment of self-government on this continent. They saw that the North went into despotism immediately on the separation of the South, and their fondest hopes and expectations are that the same destiny awaits us. This has usually been the fate of republics. This is the sentiment of all the governments in Europe. But we have friends there, as you heard last night, in the eloquent remarks of the gentleman [Hon. L. Q. C. LAMAR] who addressed you on our foreign relations, and who has lately returned from those countries. Those friends are anxiously and hopefully watching the issue of the present conflict. In speeches, papers, and reviews they are defending our cause. No argument used by them heretofore has been more effectual than the contrast drawn between the federals and the confederates upon the subject of the writ of *habeas corpus*. Here, notwithstanding our dangers and perils, the military has always been kept subordinate to the civil authorities. Here all the landmarks of English liberty have been preserved and maintained, while at the North scarcely a vestige of them is left. There, instead of courts of justice with open doors, the country is dotted all over with prisons and bastiles. No better argument in behalf of a people struggling for constitutional liberty could have been presented to arouse sympathy in our favor. It showed that we were passing through a fiery furnace for a great cause, and passing through unscathed. It showed that whatever may be the state of things at the North, that at the South at least the great light of the principles of self-government, civil and religious liberty, established on this continent by our ancestors, which was looked to with encouragement and hope by the down-trodden of all nations, was not yet extinguished, but was still burning brightly in the hands of their southern sons, even burning the more brightly from the intensity of the heat of the conflict in which we are engaged. To us, in deed and in truth, is committed the hopes of the world as to the capacity and ability of man for self-government. Let us see to it that these hopes and expectations do not fail. Let us prove ourselves equal to the high mission before us.

One other view only: that relates to the particularly dangerous tendency of this act in the present state of the country, and the policy indicated by Congress. Conscription has been extended to embrace all between seventeen and fifty years of age. It cannot be possible that the intention and object of that measure was really to call and keep in the field all between those ages. The folly and ruinous consequences of such a policy is too apparent. Details are to be made, and must be made, to a large extent. The effect and the object of this measure, therefore, was not to

raise armies or procure soldiers, but to put all the population of the country between those ages under military law. Whatever the object was, the effect is to put much the larger portion of the labor of the country, both white and slave, under the complete control of the President. Under this system almost all the useful and necessary occupations of life will be completely under the control of one man. No one between the ages of seventeen and fifty can tan your leather, make your shoes, grind your grain, shoe your horse, lay your plough, make your wagon, repair your harness, superintend your farm, procure your salt, or perform any other of the necessary vocations of life, (except teachers, preachers, and physicians, and a very few others,) without permission from the President. This is certainly an extraordinary and a dangerous power. In this connection take in view this *habeas corpus* suspension act, by which it has been shown the attempt is made to confer upon him the power to order the arrest and imprisonment of any man, woman or child in the confederacy, on the bare charge, unsupported by oath, of any of the acts for which arrests are allowed to be made. Could the whole country be more completely under the power and control of one man, except as to life or limb? Could dictatorial powers be more complete? In this connection consider, also, the strong appeals that have been made for some time past, by leading journals, openly for a dictator. Coming events often cast their shadows before. Could art or ingenuity have devised a shorter or a surer cut to that end, for all practical purposes, than the whole policy adopted by the last Congress, and now before you for consideration? As to the objects, or motives, or patriotism of those who adopted that policy, that is not the question. The presentation of the case as it stands is what your attention is called to. Nor is the probability of the abuse of the power the question. Some, doubtless, think it for the best interests of the country to have a dictator. Such are not unfrequently to be met with whose intelligence, probity, and general good character in private life are not to be questioned, however much their wisdom, judgment, and principles may be deplored. In such times, when considering the facts as they exist, and looking at the policy indicated in all its bearings, the most ill-timed, delusive, and dangerous words that can be uttered are, can you not trust the President? Have you not confidence in him that he will not abuse the powers thus confided in him? To all such questions my answer is, without any reflection or imputation against our present chief magistrate, that the measure of my confidence in him, and all other public officers, is the constitution. To the question of whether I would not or cannot trust him with these high powers not conferred by the constitution, my answer is the same that I gave to one who submitted a plan for a dictatorship to me some months ago: "I am utterly opposed to every thing looking to, or tending toward a dictator-

ship in this country. Language would fail to give utterance to my inexpressible repugnance at the bare suggestion of such a lamentable catastrophe. There is no man living, and not one of the illustrious dead, whom, if now living, I would so trust."

In any and every view, therefore, I look upon this *habeas corpus* suspension act as unwise, impolitic, unconstitutional, and dangerous to public liberty.

But you have been asked what can you do? You can do much. If you believe the act to be unconstitutional, you can and ought so to declare your deliberate judgment to be. What can you do? What did Kentucky and Virginia do in 1798-99, under similar circumstances? What did Jefferson do, and what did Madison do, and what did the legislators of those States then do?

Though a war was then threatening with France—though armies were being raised—though Washington was called from his retirement to take command as lieutenant-general—though it was said then as now, that all discussions of even obnoxious measures of Congress would be hurtful to the public cause, they did not hesitate, by solemn resolves by the legislatures, to declare the alien and sedition laws unconstitutional and utterly void. Those acts of Congress, in my judgment, were not more clearly unconstitutional, or more dangerous to liberty, than this act now under review. What can you do? You can invoke its repeal, and ask the government officials and the people in the meantime, to let the question of constitutionality be submitted to the courts, and both sides to abide by the decision.

Some seem to be of the opinion, that those who oppose this act are for a counter-revolution. No such thing; I am for no counter-revolution. The object is to keep the present one, great in its aims and grand in its purposes, upon the right track—the one on which it was started, and that on which alone it can attain noble objects and majestic achievements. The surest way to prevent a counter-revolution, is for the State to speak out and declare her opinions upon this subject. For as certain as day succeeds night, the people of this confederacy will never live long in peace and quiet under any government with the principles of this act settled as its established policy, and held to be in conformity with the provisions of its fundamental law. The action of the Virginia legislature in 1799, saved the old government, beyond question, from a counter and a bloody revolution; kept it on the right track for sixty years afterward, in its unparelled career of growth, prosperity, development, progress, happiness, and renown. All our present troubles, North and South, sprang from violations of those great constitutional principles therein set forth.

Let no one, therefore, be deterred from performing his duty on this occasion by the cry of counter-revolution, nor by the cry that it is the duty of all, in this hour of peril, to support the gov-

ernment. Our government is composed of executive, legislative and judicial departments, under the constitution. He most truly and faithfully supports the government who supports and defends the constitution. Be not misled by this cry, or that you must not say any thing against the administration, or you will injure the cause. This is the argument of the preacher, who insisted that his derelictions should not be exposed, because if they were, it would injure his usefulness as a minister. Derelict ministers are not the cause. Listen to no such cry. And let no one be influenced by that other cry, of the bad effect such discussions and such action will have upon our gallant citizen soldiers in the field. I know something of the feeling of these men. I have witnessed their hardships, their privations, and their discomforts in camp. I have witnessed and ministered to their wants and sufferings from disease and wounds, in hospitals. I know something of the sentiments that actuated the great majority of them, when they quit home, with all its endearments, and went out to this war—not as mercenaries or human machines, but as intelligent, high-minded, noble-spirited gentlemen, who were proud of their birthright as freemen, and “who knowing their rights,” dared maintain them, at any and every cost and sacrifice. The old Barons who extorted *Magna Charta* from their oppressor and wrongdoer by a resort to arms, did not present a grander spectacle for the admiration of the world when they went forth to their work, thoroughly imbued with a sense of the right for the right’s sake, than this gallant band of patriots did when they went forth to this war, inspired with no motive but a thorough devotion to and ardent attachment for constitutional liberty. To defend this and maintain it inviolate for themselves and those who should come after them, was their sole object. Their ancient rights, usages, institutions, and liberties were threatened by an insolent foe, who had trampled the constitution of our common ancestors under foot. They and we all had quit the Union, when the rights of all of us were no longer respected under it, but we had rescued the constitution—the ark of the covenant—and this is what they went forth to defend. These were the sentiments with which your armies were raised, as if by magic. These are the sentiments with which re-enlistments for the war have been made. These are the sentiments with which your ranks would have been filled to the last man whose services can be relied upon in action if conscription had never been resorted to.

You cannot, therefore, send these gallant defenders of constitutional liberty, a more cheering message than that, while they are battling for their rights and the common rights of all in the field, you are keeping sacred watch, and guard over the same in the public councils. They will enter the fight with renewed vigor, from the assurance that their toil, and sacrifice and blood will not be in vain, but that when the strife is over and independence is acknowledged, it will not be a bare name, a shadow

and a mockery, but that with it they and their children after them shall enjoy that liberty for which they now peril all. Next to this, the most encouraging message you could send them is, that while all feel that the brunt of the fight must be borne by them, and the only sure hope of success is in the prowess of their arms, yet every possible and honorable effort will be made by the civil departments of the government to terminate the struggle by negotiation and adjustment upon the principles for which they entered the contest.

Gentlemen, I have addressed you longer than I expected to be able to do. My strength will not allow me to say more. I do not know that I shall ever address you again, or see you again. Great events have passed since, standing in this place, three years ago, I addressed your predecessors on a similar request, upon the questions then immediately preceding our present troubles. Many who were then with us have since passed away—some in the ordinary course of life, while many of them have fallen upon the battle-field, offering up their lives in the great cause in which we are engaged. Still greater events may be just ahead of us. What fate or fortune awaits you or me, in the contingencies of the times, is unknown to us all. We may meet again, or we may not. But as a parting remembrance, a lasting *memento*, to be engraven on your memories and your hearts, I warn you against that most insidious enemy which approaches with her syren song, “Independence first and liberty afterward.” It is a fatal delusion. Liberty is the animating spirit, the soul of our system of government, and like the soul of man, when once lost it is lost forever. There is for it, at least, no redemption, except through blood. Never for a moment permit yourselves to look upon liberty, that constitutional liberty which you inherited as a birthright, as subordinate to independence. The one was resorted to to secure the other. Let them ever be held and cherished as objects co-ordinate, co-existent, co-equal, co-eval, and forever inseparable. Let them stand together “through weal and through woe,” and if such be our fate, let them and us all go down together in a common ruin. Without liberty, I would not turn upon my heel for independence. I scorn all independence which does not secure liberty. I warn you also against another fatal delusion, commonly dressed up in the fascinating language of, “If we are to have a master, who would not prefer to have a southern one to a northern one?” Use no such language. Countenance none such. Evil communications are as corrupting in politics as in morals.

“Vice is a monster of such hideous mien,
That to be hated, needs but to be seen;
But seen too oft’, familiar with her face,
We first endure, then pity, then embrace.”

I would not turn upon my heel to choose between masters.

I was not born to acknowledge a master from either the North or South. I shall never choose between candidates for that office. Shall never degrade the right of suffrage in such an election. I have no wish or desire to live after the degradation of my country, and have no intention to survive its liberties, if life be the necessary sacrifice of their maintenance to the utmost of my ability, to the bitter end. As for myself, give me liberty as secured in the constitution with all its guaranties, amongst which is the sovereignty of Georgia, or give me death. This is my motto while living, and I want no better epitaph when I am dead.

Senators and representatives! the honor, the rights, the dignity, the glory of Georgia, are in your hands! See to it as faithful sentinels upon the watchtower, that no harm or detriment come to any of those high and sacred trusts, while committed to your charge. (Immense cheers and applause.)

LETTER TO HON. JAMES A. SEDDON, SECRETARY OF WAR.

CRAWFORDVILLE, GA., APRIL 29, 1864.

HON. JAMES A. SEDDON, *Sec. of War.*

DEAR SIR: Your letter of the 21st instant was received yesterday. In my letter of the 15th instant to Judge Campbell, I referred in a postscript to the fact of an editor of this State having exhibited an extract of one of my communications to you, etc., barely as an explanation of the tone and manner of my speaking to him as I did on certain subjects in that letter, which without the explanation might have appeared strange and singular to him. The tone and manner alluded to were simply repeated assurances that my sole object was the public good, however strong and earnest the expressions used. I did express surprise at the editor's having the extract referred to, but no indignation. I felt none such. How the editor became possessed of that portion of my communication I did not know, and I added most truthfully that it was a matter of very little consequence to me. I saw, to my mortification, that the editor had put an erroneous construction upon my motives and feelings in using the words I did.* I did not know but that others who had seen it, had put a like construction upon them, and hence I guarded myself against any such construction of my motives from any earnestness of expres-

[* *Substance of extract referred to.*—"This is my judgment. Consider it for what it is worth. The day may come when it will be considered as worth more than it is at present."—ED.]

sion in what I had said to Judge Campbell, and in explanation of my reasons for thus guarding him referred to the fact mentioned. The editor alluded to had exhibited (privately not published) the extract referred to. He showed it as evidence of my "bitterness, hostility and malignancy" (I quote his words) against the administration. Entertaining no such feelings, or any thing kindred to them, I did not wish Judge Campbell to draw any such inference from any thing I said to him upon the subjects I was writing to him about, however strong or earnest my language might be.

I should certainly have written immediately and directly to you upon the subject, if I had attached any great importance to the matter, or had really felt any thing like indignation on account of it. I am glad Judge Campbell informed you of what I said to him on this point. From what you say I can now readily account for the editor alluded to having the extract. It was doubtless furnished by some of the subordinates in the bureau of conscription to whom it was referred. You cannot possibly regret more sincerely or profoundly my disagreement with members of the administration upon some of the late measures of legislation than I do myself. And nothing could have induced me to take public position against them, but a sense of public duty arising from a strong conviction of the mischievous and dangerous tendency of those measures—founded as they were, in my judgment, upon great and radical errors. But in this, as in all differences amongst common friends in a great common cause, I assure you I was influenced by nothing except what I regarded as the public good. I was not influenced in the slightest degree by feelings of hostility or bitterness, to say nothing of malignancy, toward a single mortal who disagreed with me.

And while I am writing to you thus frankly, I will take occasion to say that I see and hear almost daily of matters involving the deepest interest that ought to be corrected. Such at least is my judgment; and I give it to you for what it is worth. Some of these I mentioned in my letter to Judge Campbell; they relate to the waste and misuse of the tithes. With my ideas of this war, its probable duration and the manner in which it can be successfully conducted on our side, I think the greatest danger ahead of us, under the present policy, is the ultimate failure of subsistence. War, in one view, is eminently a business affair upon a large and magnificent scale; and it requires eminently business qualities to conduct it safely and successfully against such disadvantages as we labor under. But with the advantages we possess I have never doubted for a moment, but that we can wage it successfully in our defence, just as long as our enemies shall choose to prosecute it, if our resources of men and means are properly and efficiently wielded. From the beginning I believed it would very probably be ultimately a war for our subjugation or extermination. This opinion I gave the Virginia convention in April, 1861, as will be seen by reference to my speech

before that body ; and from the beginning I was for husbanding and wielding our resources with this view. No equal number of people on the face of the globe ever had superior elements of power, or internal resources for defence than we had. How the great elements of cotton and tobacco, in a financial point of view, were neglected against my early and earnest appeals, I need not now say any thing—nor need I now say any thing of other like errors as to other resources I could mention. These things are past. We have now to deal with the present, looking to the future. Our finances now are a wreck. Past all hope, in my judgment. Just where I was fully convinced they would be, and so stated repeatedly and sorrowfully two years ago, when the first Congress, under the permanent constitution, adjourned without passing a tax act, or making any provision for the redemption of the issues of treasury notes. To me the result seemed as certain and as inevitable as other results seem now if our policy is not changed.

To be brief and pointed, our present reliance for sustaining the war, feeding the armies, is upon the substance of the country—the agricultural productions and not the credit of the government. The tax in kind or tithe is the surest hope ; that is abundant, if it be properly and wisely managed. But under present management so far from doing the good it ought it only increases the evil. It is wasting the substance of the country without supplying the army as it ought to do entirely. The tithe ought to feed the army without the expenditure of a dollar by way of purchase. This it is abundantly sufficient to do upon the most moderate estimates ; and, if it were not, then our cause, if the war last two years longer, would be hopeless. For if one tenth of the food produced in the country will not support or feed the armies, how can nine tenths support or keep from want and starvation the rest of the population ? I suppose the whole list of our ration-drawers does not exceed six hundred thousand. The remaining population cannot be less than seven or eight millions—perhaps more. I have not the census before me, and speak in general terms, being quite certain that my statements are within bounds. Now if one tenth of the food of the land will not support six hundred thousand men with the horses etc. they have, it is manifest that the other nine tenths cannot support the remaining seven or eight millions with the stock they must keep to produce with. The government, therefore, or those administering the government, should look to the tithe as the main hope and only sure reliance for the support of the army. With these views premised, I now come to the errors I spoke of. From what I see and hear I am at this time of the opinion that what ought to have supplied the army for twelve months will be exhausted in less than six. I allude specially to the articles of corn and wheat. In this county, small and poor as it is, thousands of bushels of tithe corn, and great amount of forage, have been fed to poor

cattle, bought up in February and March for beef, while the tithe pork and bacon was uncollected through the country. Had this been used now the grasses of summer would have fattened the beef to be used then, without consuming the tithe forage for the army. This is the matter I alluded to in my letter to Judge Campbell. This, it is true, is a small matter, but what is being done here is doubtless being done elsewhere. And since that letter I have learned the fact, that five thousand bushels of tithe corn just above me have been turned over to a party to distil into whiskey, right on the railroad and within two days transportation, or three at the furthest, to Johnston's army. And these five thousand bushels, I am informed, were turned over to the distiller upon a contract, that for the five thousand bushels of corn he was to deliver five thousand gallons of whiskey! Out of which the contractor may make not less than \$125,000 in our currency. One bushel of corn in winter, it is said, will make two gallons of whiskey, and besides, it is said, that the slops from stills will fatten as much pork as the corn would if fed to hogs in its natural state. With this view the contract was worth even more to the distiller. Now, I assure you, I think this radically wrong. I refer to it with no spirit of captiousness, but for the sole purpose of having such errors corrected. This contract is a small affair compared with others on the same principle. It is to all contracts on such principles I call your attention. In the first place, the army can do better without whiskey than bread; and, in the next place, if we have corn enough to put any into whiskey, it ought to be so used in sections remote from railroads. So with all corn or forage fed to cattle or hogs to fatten them for beef or pork for the army.

The provision crop last year was abundant for all our population for the present year, for the army and people at home, if it be economically used. But I sincerely fear it will not be next year. The policy of impressing provisions without paying market price will greatly lessen production of itself; this was the case when there was confidence in the credit of the government. But *that confidence* is now lost by reason of the late financial and currency acts. I assure you it is lost. People may not be as candid in telling you the truth as I am; but the fact is so, and wise men should act accordingly. I mean wise statesmen. The government cannot afford to buy provisions at the market price in treasury notes six months to come, with any expectation of ever redeeming their issues dollar for dollar in specie; and to continue to issue them with this semblance of integrity of purpose, will but result in greater mischief in the end. The tithe, therefore, should be and should have been husbanded and guarded as gold; not a grain of corn or blade of grass should have been wasted, or lost, or misapplied.

Our production of provisions this year will be greatly lessened from another cause. That is the general disarrangement of labor,

and the management of large planting interests, as well as small, under the last military act. The uncertainty of whether parties could get what is called details, has caused many to make arrangements to suit themselves; many have gone into the army rather than be conscripted; many plantations have been virtually abandoned to the negroes, without any suitable superintendent; many persons still at home, under the uncertainty of getting details, are failing to plant their usual crops. And the bare absence from home at this season of the year, in going to and returning from camp to present their papers and look after them, will tell upon the crops even if they should ultimately be detailed. I speak of what I see around me, and don't for a moment suppose I am saying this to you with any other view than to present a fact which is important for you to know. What is the case here it is reasonable to suppose is the case elsewhere. In my judgment this organization of what is now called the reserve force is almost a farce. It would be indeed a farce if it were not for the serious consequences attending it. There will hardly be as many able-bodied men sent to the army under its operation, as there are useless drones and consumers engaged in it. As a reserved corps, to be relied on in emergency, the State militia organization would have been much more efficient, and the agricultural or other interests would not have been so much deranged by relying on that. But enough of this; I find that I am writing much more than I intended when I first set out. What I have said is with great freedom and frankness, and with a profound sense of the great interest at stake. I trust you will receive it for what it is worth simply as a matter of opinion and judgment, and as from one friend to another conferring together upon questions in which each feels a like interest.

I hope to be in Richmond soon, when I can personally confer more at large upon these and kindred questions, if it be agreeable to you. I am at present detained on some business, connected with the public service. I hope to be able to leave in a few days. My health is much better, though not yet restored to its usual standard. With sentiments of the highest esteem, I remain,

Yours, most respectfully,

ALEXANDER H. STEPHENS.

LETTER TO HON. HERSCHEL V. JOHNSON, OF GA.

CRAWFORDVILLE, GEORGIA, 22 JUNE, 1864.

MY DEAR SIR:—In my letter of yesterday, long as it was, I omitted some points that ought not to be overlooked in replying to yours of the 30th ultimo. You will therefore excuse me, I trust, for resuming the subject this morning.

The first of these omitted points, that now occurs to me, is what

you say of the reason assigned by some, why Gov. Brown had not sent on the resolutions passed by our legislature. Why he had not sent them, I do not know. Perhaps he had, and some miscarriage of the mail attended them. Perhaps he had not, because he was not directed to send them. How this is, I do not know. But if he has not sent them, I feel confident that his motives in not doing so, or in withholding them, could not have been such as you mention some had attributed to him. The resolution expressing "undiminished confidence" in the President, was, I think, not connected with either set of resolutions on public affairs—either the *habeas corpus* or the peace resolutions. It was a distinct and separate resolution. This is my remembrance; and, if I am right in it, he could have withheld that if he chose, and sent on the others. But then, I do not think Gov. Brown regarded either that resolution or the others in the light in which, as you say, some are inclined to think he did. I judge him by myself. I think I took as much interest in the passage of the *habeas corpus* resolutions as anybody did or could; and I assure you much greater and higher objects by far occupied, filled, and absorbed my mind, than the censure of the President. These related to the welfare of millions living, and millions unborn—transcendently beyond in importance the contracted consideration of the position or popularity of any man living or dead! Would it not be humiliating, and almost degrading to human nature, to suppose that Washington, in his ever-memorable address to the army, in March, 1783—the greatest speech I have often thought, all things considered, that was ever made by man (the speech he made in reply to the anonymous appeal that had been made to the army, to take the redress of their wrongs into their own hands)—would it not, I say, be humiliating and almost degrading to human nature to suppose, that in that noblest exhibition of patriotism upon record, that Washington was influenced by no higher object than to censure or put down the supposed author of that appeal? I do not claim for Gov. Brown, or myself, the exalted position of Washington, but I give the illustration in vindication of the honor and dignity of human nature, degraded as it is, to show that upon great occasions it is possible for the mind and soul to be elevated above the low and grovelling passions, which the reason assigned for Gov. Brown's motives presupposes. And as I think it hardly probable that Armstrong (I believe that was the name of the supposed author of the appeal) entered the mind of Washington at that time, so I think it hardly probable that Gov. Brown thought of President Davis in the connection or with the view attributed to him. He of course did not approve of President Davis' agency in the passage of the act, or his sanction of it; nor did I. This was a source of deep pain and mortification to me, and I think it was to him. I was with him a great deal. But the objects expressed by him, and certainly entertained by me, were far higher than the bare expression of

this disapprobation of the President's conduct. That was not thought of by me further than as an argument, or the expression of popular feeling upon a vital question affecting public rights, it might cause him to review the subject, and induce him to change or modify his policy in reference to it. Even this incidental effect was the source of no pleasure or gratification. It was, on the contrary, disagreeable and painful. My opinion is that Gov. Brown's feelings and views upon the subject were very similar to my own. I believe, from all that I have seen of him, that he is an ardent friend of the cause—the cause of constitutional liberty—that his whole soul is in the contest with this object, and has been from the beginning; that his every effort and every act is made and done with a view to secure its success; that so far from courting or seeking points of controversy with the head of the confederate government, his earnest desire is and has been to keep that government on that line of policy on which alone he thinks success is attainable—success not in achieving independence only, but success in the maintenance of constitutional liberty. He is as anxious, I believe, for harmony between the action of the State and confederate governments as any man can be, but for the sake of harmony he can never surrender principles, which he thinks if surrendered will be attended with a loss of great essential rights. When he finds himself differing from the President, whether he be right or wrong in the points of difference, justice to him requires it to be said, I think, that the cause of difference is a source to him, not of gratification, but of the deepest regret and pain. I know this is the case with myself, and I believe it to be the same with him. Moreover, with regard to that resolution which it has been supposed that Gov. Brown had such opposition to—the one complimenting the President, or expressing undiminished confidence in him—I will add, that it was offered by one of the warmest advocates of the action of the majority. It was shown to me by the mover before it was introduced. I had no objection to its passage by the legislature, and I suppose that Gov. Brown had none; especially as the object stated for offering it was to rebut the charge that the majority resolutions were intended as a mere censure of the President, and got up with a view of raising a party in opposition to him. The resolution passed without a dissenting vote. This is a history of the matter. Others may think as they please; I know my objects, views, and feelings. They looked not to a reproof or censure of the President, nor to the very small and almost contemptible idea of raising a party in opposition to him and his administration. They looked to far higher, greater, nobler purposes, not unaccompanied with an ardent and, I will add, a patriotic desire to direct and guide the President and his administration to these ends and results.

Another point in your letter of the 30th ultimo, omitted by me yesterday, was the probable extension of the *habeas corpus*

suspension to the end of the next session of Congress, and probably to the end of the war. This you attribute to the tone of expression on that measure in Georgia and North Carolina. Its harshness, in your opinion, I judge from your manner of speaking of it, tended to exasperate the advocates of the measure, and had rendered them "more tenacious," etc. Now allow me to say to you in all frankness, candor, and sincerity, as I always write or speak to you on all subjects and on all occasions, that I think you are entirely mistaken in your views of the cause and effect in this matter. I was not at all surprised at what you stated the prospect of the question to be, but I differ entirely as to the effect of the tone of expression in Georgia and North Carolina, and Mississippi may also be added. I looked upon the act at first as only an entering wedge. Power is ever insidious in its encroachments, or at least is usually so. Give it an inch and an ell is soon taken. Various attempts had been made to get some such policy fixed upon the country; all had failed of perfect success. This was started and had been adopted under far more favorable auspices than any of its predecessors. It was, therefore, by far the more dangerous. When error once gets foothold, it seldom ever voluntarily abandons its advantage. Power, however insidious in its approaches, is ever insolent in a position once gained. The only sure way to meet it successfully, is with a bold, unyielding defiance at the beginning. Whoever trifles with it or dallies with it at first, is certain to become its victim in the end. This was my view of this matter when I first heard of the passage of this most monstrous act. The only sure hope of preventing its principles from becoming fixed upon the country, was such an immediate, prompt, bold, and harsh, if you please, expression of popular indignation and reprobation of it as to cause, if possible, its immediate abandonment. It was no time for soft words or temporizing. Usurpation never did and never will yield to gentle suasion. Power never let go its grasp, and never will upon mild entreaty. I speak to you eternal truths in all soberness. In this instance, had the Georgia delegation in Congress, and the delegations from Mississippi and North Carolina, uttered the same stern sentiments in the same stern language which their State legislatures used, and which the great body of the people everywhere felt, this monster evil—this escaped demon from the perdition of other regions—might have been expelled and driven from our Eden! I say it might have been. That was the only sure way of its ever being done. How it may now result, time must disclose. I had but little hope, when this measure first passed, that we should ever again have constitutional liberty upon this continent. This you well know. The measure, as passed, was somewhat different from what I had supposed it to be upon the first intelligence of it. This difference afforded me grounds of stronger hopes for arresting its progress—for pre-

venting the consummation of its mischiefs. These hopes, in turn, were soon greatly weakened by seeing the opponents of the measure yielding their position, and coming to terms with its advocates. From that day to this I have had but little hope. I was not at all surprised, therefore, at what you said was the prospect before us on this question; still while I live and breathe I shall do, and continue to do, what I can to preserve the liberties of the people from overthrow and ruin. I have nothing to do with the motives of men; I wish this distinctly understood, not only for once, but always. I arraign no one, and pronounce judgment upon no one. I speak of things, acts, and measures, and their inevitable tendency. My deliberate opinion is, that very few men understand, know, or appreciate the nature of their acts, the character or tendency of them. Men, at best, are but grown up children. In legislatures, or other deliberate bodies, they generally act in masses; the individual is merged in the multitude; he exercises very little of his own private judgment. This is the general rule with a large majority according to my experience and observation. To assign bad motives to such, would be as cruel, as unjust. I have no disposition to do it. As well might one poor wretch be held responsible for the sins of society. But this cannot prevent or modify my judgment of the acts of the aggregate mass, the great sins of the whole, or the ruinous tendency of them. My experience has also taught me that men hardly ever understand themselves. The wisest uninspired maxim that ever was uttered, I think is this: "Know thyself." Millions have repeated it, and other millions still repeat it, without the slightest comprehension of its import; hence it not unfrequently happens, when the nature or tendency of one's acts are stated to him, he flares up in a passion and in a rage, because he thinks his motives have been impugned. "Is thy servant a dog, that he should do this thing?" exclaimed Hazael, on such an occasion. Now I wish to be understood, as giving it as my deliberate opinion, that Hazael was perfectly *honest* and *sincere* in the passion and indignation he expressed. The difficulty or error with him was, he did not know himself. Hazael was a representative man. As I really do not believe he was actuated by bad motives at the time the prophet was speaking to him, so I am willing to admit that every one who disagrees with me upon these questions may be equally free from bad motives; hence I assign none; charge none. But that Hazael did as he did, is history; that thousands of others under like circumstances have done as he did, is history, too; and that others still under like temptation will hereafter do what they may now think they would sooner become a dog than do, will not only probably, but almost certainly be history also. Power is corrupting. It fascinates, intoxicates, turns the brain, and changes the nature of man; it transforms those who touch and handle it. Such is its unvarying tendency. This is an

eternal truth, and no wise man or people will ever disregard it. People are never in so much danger as they are when unlimited power is in the hands of those in whom they perfectly confide. Personalities, therefore, with me, are out of the question on these great subjects. They dwindle into insignificance; and I assure you, I almost weep for the weakness, frailty, and short-sightedness of my fellow-beings, when I see and hear such motives or feelings attributed to me.

But I must again stop. This letter is becoming itself long, almost as long as the one of yesterday. I fear I shall bore you. I do not wish or intend to do so. What I write is, of course, for yourself only, not for the public. I do not put any injunction upon you in reference to it, however, further than the dictates of your own judgment and discretion may suggest—only one request I will make, and that is, that you will preserve what I have written that you may review it at a future day. Neither my sentiments nor my acts, on the matters under consideration, are the result of impulse or passion. I am perfectly willing that they may be laid away and turned to hereafter, in condemnation or vindication of the impropriety or wisdom of my present course, or, at least, in condemnation or vindication of my memory: for I do not feel as if my days on this earth are many. The time that I shall be further perplexed with its scenes, strifes, cares, and anxieties, is, and must be short, at best. This reflection brings but little regret to me. What of future in this existence is left for me is without any personal aspiration for myself, and with very little hope for others, so far as concerns the present prospect of good government in any part of this once happy and prosperous country. Life, therefore, has but few attractions for me. While I have been here I have with free will and of my own accord labored, I think, more for the benefit of others than I have for myself, which is more than many mortals I ever knew could say of themselves. It may be presumption in me to say it of myself, but I nevertheless do say it, believing it to be true. The consciousness that it is the truth affords me more consolation and gratification than all the honors that it is in the power of man to bestow, could possibly impart. But enough. Adieu. Let me hear from you when you have leisure.

Yours, truly,

ALEXANDER H. STEPHENS.

HON. HERSCHEL V. JOHNSON, SANDY GROVE, Ga.

LETTER TO HON. ALEXANDER J. MARSHALL,
RICHMOND, VA.

CRAWFORDVILLE, GA., 4th Nov., 1864.

HON. ALEXANDER J. MARSHALL, RICHMOND, VA.

MY DEAR SIR:—Your kind letter of the 1st instant was received yesterday. The other package referred to in it came by the same mail. I have read both with serious attention and profound interest. The defects of the old constitution, and the causes of disunion, are now more properly fit subjects for the speculative philosophy of the historian, than the practical objects of inquiry on the part of the living actors who have to deal with facts as they find them, and make the best of them as they arise. Wise men will, however, study the past as closely as they watch the present and guard the future. With this view your reflections are not only entertaining but useful.

* * * * *

Secession, with us, I regarded as one of those moral or political epidemics to which States and communities are often subject—like other epidemics of a physical character to which humanity in general is subject. It was both infectious and contagious, baffling all skill and defying all treatment. Logically speaking, there was but one real and substantial cause for it. That was the open, palpable, and avowed breach of the compact of 1787, by a number of the States at the North in the matter of rendition of fugitives from service. A compact broken by one party to it is broken as to all. This is a universal rule of law amongst all people, civilized or savage. The old Union was, therefore, virtually broken by those faithless States at the North. Other irritating causes and apprehended dangers contributed to the consummation of the result at the South. But for this cause by itself, the seceding States will ever be justified in what they did by an impartial and enlightened world. The wisdom or policy of their course looking to their own interest is not now the question. That was a matter for them to determine for themselves in view of all the consequences attending it. What they did they had a perfect right, moral as well as civil, to do. States, however, are not bound even by honor to resort to the "*ultima ratio regum*," or that which may involve it, for every cause that would fully justify them in doing it. The redress of grievances of this sort may often most wisely be postponed and other methods adopted to secure their removal. Such was my view of our case as you may, perhaps, know, in the fall of 1860. The old Union was founded upon a compact between sovereign and independent States. This compact was based upon the idea or assumption that it was for the best interests of all to be united upon its terms, each performing and discharging faithfully to all

the rest the obligations imposed by it. That assumption, in my judgment, was sound and correct. I was, therefore, not without hopes that by our adopting a different course the offending States at the North might be brought to a reconsideration of their action. Whether that view was correct can never be certainly known. A different line of policy was adopted. By that we must abide and bring it to the best results possible. If the assumption upon which the old Union was originally based was correct, of course there could not, *logically*, as you say, be any objection to its ultimate restoration, if all parties could be brought to a faithful discharge of their obligations under it. But, my dear sir, the actions of men in the aggregate, of communities, states or nations, are seldom governed or controlled by logic. If they had been, many of the bloody wars which fill the history of our race never would have occurred. What was more illogical than the influences that produced the crusades for the recovery of the Holy Sepulchre, or the passions that incited deadly strife on so many fields of carnage upon such a question as the *real presence*? Man is certainly a strange creature, and both "fearfully and wonderfully made."

Governments, philosophically considered, are but the outward coverings, the skins or shells of society, or political organisms thrown out or developed by a natural process for the protection of the inner life, according to the laws of its being. Hence the constitutions of States must grow—they can never be made—they must spring from natural development. What is to be the future of this country time must disclose upon this principle. For dead governments or defunct empires there is no resurrection. After dissolution their elements may come up in some other living form; not upon the principle, however, of reconstruction, but upon that of new assimilation. Without busying ourselves much about the future, or making efforts to shape its destinies, the great object at present of every well-wisher to his country should be to direct all energies, moral, intellectual, and physical, to the vindication and establishment of the principle for which the war now upon us is waged on our part—that is the ultimate absolute sovereignty of the several States. This principle once recognized, permanently fixed and adhered to, affords the surest grounds for the hope of a lasting peace. This, and this only, so far as I can see, will prove the self-adjusting principle, the perfect regulator in the working of our present or any new system of association of States that may arise. With this principle settled the future may well be left to take care of itself. Mutual safety, security, protection, and interest are the natural affinities that draw people or States into alliances and confederations. When these natural laws are left perfectly free in their operation, they never fail to produce their legitimate results—the peace, prosperity, and happiness of the people in whatever associations or alliances they may arrange themselves. After the long struggle of the first war

of independence, both parties came to the conclusion that "reciprocal advantages and mutual convenience are found by experience to be the only permanent foundation for peace and friendship between States."

This great truth, found after the most painful analysis of years in the crucible of blood, was set forth in the preamble of the provisional treaty of peace. It is for the statesman a far more useful truth than was ever the fancied philosopher's stone for the alchemist. Had it been recognized and acted upon this war with its horrors, its cruelties, sufferings, and desolation never would have occurred. To illustrate:—If, after the secession of the southern States, clearly justified by the breach of faith on the part of their northern confederates, the latter States had discovered, as they seem to have done, that the Union was of so much benefit to them, they would have looked to its restoration not by force but by a correction of their own error—by renewed assurance of good faith in the future. If, after that, the seceded States had found it to their benefit and advantage, all things duly considered, to be in union on the original terms, with good faith maintained by all, they would, as naturally as every thing in the material world obeys the law of affinity, have adjusted themselves accordingly. If they had not so found it to be their interest to renew that confederation, they would have remained separate and independent, as they ought to have done. For safety, security, and self-preservation is the first law of nature with States as well as with individuals. In the latter event, whatever treaties or leagues the reciprocal advantages and mutual convenience of both or each and all required, would have been entered into and nothing more. There would have been no war—no force—but each and all would have moved on peacefully and prosperously in their own rightful spheres. The surest way to preserve the health and vigor of the physical body, is strictly to conform to the laws of its existence. The same is true of States or governments. A fundamental principle in the old Union and constitution, one of the laws of its existence, was the reserved sovereignty of the several States.

The right to resume the exercise of all powers delegated when safety required it, was declared by Virginia in her act of ratification. The Union was one eminently of consent. An attempt to continue it by force, violates the law of its existence. As paradoxical as it appears to many, yet it is nevertheless true, that the doctrine of the reserved sovereignty of the State, under the old constitution, carrying with it the perfect right on the part of any State to secede at pleasure, subject to no control but moral obligation, was the strongest Union doctrine consistent with the preservation of liberty ever proclaimed. * * * * *

Governments to be strong must indeed be held together in its parts by force. The universe is held together by force, by the strongest of all forces, by Omnipotence itself; yet the power that

controls its every part, preserving forever one indissoluble whole, is nothing but the simple law of attraction. This is the force that should be looked to in binding States indissolubly. This is the force that gives governments irresistible strength in the union of all their parts. * * * *

Under its operations, (whether our present organization shall remain, or whether new ones shall take their places in whole or in part, as exigencies may arise and the interests and the affinities of the parties may determine, in the process of future assimilation,) I can but hope that the States, both South and North, will enter upon a new career of development, prosperity, and greatness, exciting increased wonder in the old world by grander achievements hereafter to be made, than any heretofore attained under the true workings of the principles of our American institutions of self-government. But I cannot continue this theme. I must stop.

You ask my criticism on your views, as to certain amendments of the old constitution, and certain defects in it, which caused the present alienation and disruption of the States. My opinion, as to the origin and cause of these troubles, is that it existed more with the people than with the government; or rather it may more properly be assigned to the prejudices and passions of the people, excited, aroused, and inflamed by unprincipled, ambitious, and selfish demagogues, North and South, than to any radical defect in the constitution. The ship was strong enough, large enough, safe enough; the real difficulty was with the crew, or those of the crew who strove amongst themselves for some share in the guidance and control of the noble, stately old craft. Of course she was not perfect in all her parts, as nothing from human hands ever was or ever will be; still, in my judgment, there was in the old constitution no inherent radical defect. As expounded by Jefferson and the States rights men in the Kentucky and Virginia resolutions of 1798 and 1799, it was intended to, and did, in deed and in truth, establish the "best government on earth." This is my deliberate judgment. So far as our troubles in their origin can be traced to the constitution, I think, without doubt, they are attributed to the *consolidating tendency* with which it was *administered*. It was the *centralizing* idea that carried protection into the halls of Congress; then internal improvements; and lastly, satan-like, the slavery question.

This, after being agitated there until the popular mind was greatly excited, was carried back to the northern States by their demagogues, and made the test of party organizations. In this way those States at the North, before alluded to, were brought to their open breach of faith under the constitution, and to their virtual disruption of the Union under the compact. But for the centralizing, consolidating ideas under which the constitution was *administered*, (not as it was made and intended to operate by the States which formed it,) these disturbing questions would never have been entertained by Congress. But for getting seats in

Congress on this hobby, there would have been no such parties formed at the North; and no such breach of faith would ever have been committed, nor would any of the other evils and excitements growing out of the slavery question, which so agitated the public mind North and South, and which did so much in the hands of demagogues in both sections, in producing the actual and final rupture, ever have occurred. In this view our present troubles may be mainly attributed to this tendency in the administration of the government to centralism and consolidation. That clause in the constitution, to which you refer, did work injuriously to the South: but that (I speak of the whole clause) was one of the compromises of the constitution. The southern States yielded that to the North in consideration of some concession, (which one I forget now,) made by them upon the subject of slavery. That whole clause, giving Congress power to regulate commerce, was the source of more injury to southern interests than every thing else together. This clause authorized the navigation acts under the operation of which southern importations, and their direct trade from abroad, were crippled, and soon amounted to little or nothing. The financial system adopted, centralizing the capital of the funded public debt at the North, in combination with the navigation laws, completely revolutionized commerce, or at least changed its channels and marts in the States. Charleston, before the constitution was formed, was not much, if in any degree, inferior in trade and commerce to Boston or New York. I do not recollect the statistics exactly, but all southern ports lost largely in their trade by the operation of these navigation acts. This principle was not well understood by our people; much that was attributed to the tariff, and other imaginary causes, was due to this. The monied capital was at the North; the shipping was owned at the North. The whole coast trade was secured to American bottoms. No foreign vessel was allowed to break, bulk, or unload parts of her cargo in different ports. Hence nearly all importations in foreign bottoms were thrown into New York, Boston, or Philadelphia. These became the great marts. A ship from Liverpool coming for cotton, rice, or tobacco, would first leave her cargo of imports at New York, thence sail in ballast to Savannah, Charleston, or Norfolk for her return cargo. Northern shipping, then, under the monopoly secured by the navigation laws, distributed the assorted cargoes accumulated in the great marts as the demands in other ports required. Southern cities thus became nothing but tributaries and dependencies upon those of the North. The latter grew and prospered, while the former remained stationary or declined. This is but a glance at the system. All growing out of that clause of the constitution agreed to on compromise as stated.

But these navigation laws might have been revised and amended, so as to break down this monopoly of New England shipping, if the southern members of Congress had united with those

of the west upon the question, and exerted half the efforts they wasted upon many very trifling subjects. I am not prepared to say what would be the practical workings of the system, with the omission in this clause of the words "between the States." I should have to think about it and study it more than I now have time to do, before arriving at any opinion satisfactory even to myself upon it. I am so much of a States rights man, however, by nature; my first impulse is strongly in favor of the opinion that it would have been better to leave that matter to the States. Had the States retained that power under the old system, we might perhaps under it have been enabled to bring the *covenant breakers* to a reconsideration of their acts of bad faith, in the matter before alluded to, without resorting to secession. This power, retained by States thus confederated, might be an important and useful check in bringing delinquent members up to the full discharge of their duties and obligations under the compact. Still I could not venture a positive opinion one way or the other, without more reflection. I should, however, never favor its exercise, simply with a view to the protection of any of the mechanic arts or industrial pursuits. That whole theory, in my judgment, is radically wrong.

I agree with you entirely about parties and party organizations. They are the curse and bane of republics. They can exist nowhere else. They are generally considered, to some extent, the life of free institutions; at least they seem to be so to the casual observer; and yet they have never failed to be the cause of their ultimate overthrow. This is somewhat paradoxical. Perhaps they are not what they even seem to some extent to be—the life of free institutions. This, I think, is the truth; and a little analysis will show it. Free thought, free speech, and free discussion, are the life as well as soul of free institutions. Parties generally spring from *these*, and *necessarily*, under our present modes of deciding questions. They never arise, however, except when questions are to be decided by a count of votes. The freest and most enlightened discussion may exist, and progress without any party organization, until arrangements are made for marshalling the forces for a decision of the question. How then can the bad effects of this marshalling of the forces (which soon becomes so corrupt) be best guarded against, or prevented consistently with the progress of thought, interests, and welfare of society. I have thought of it a good deal recently. To my mind the remedy is now clear. It lies in a modification of the bare plurality principle, in the decision of all questions affecting the general interest of society. A larger portion than a bare half of these, who are to decide all such questions, should be required to be consentient to any decision before it is binding upon the whole. The jury trial, which has worked so well for centuries in England, and with us, requires *unanimity* to give validity to the verdict. This *principle* might, with great profit, be carried also to the halls of legislation and the forums of election. I will not undertake

to say to what extent, above plurality, and short of unanimity, it could be properly carried in either. But in a resort to this principle, lies the surest guarantees against corrupt party organizations in a republic. One of the most erroneous ideas generally entertained is, that a majority barely should govern, and that any measure is right which secures the greatest good to the greatest number. This dogma, or these dogmas, are both fundamentally wrong. That society, or the body politic, should govern itself, is true. This, however, does not imply that a bare plurality should govern all the rest. If this were so, no constitutional barriers or checks would ever be proper. The objects to be aimed at in providing a proper system for society to govern itself justly, so as that the rights of each shall be secured and the common interests of all promoted, should be to require, as far as practicable, the consentient will of the whole, expressed through its proper channels, to give validity and sanction to any measure affecting the general interests or welfare of all.

No doctrine or principle is more unjust or pernicious than that "of the greatest good to the greatest number." The true rule is the greatest good to all, to each and every one, without injury to any. No one hundred men on earth have the moral right to govern any other ninety-nine men or, less number, and to make the interests of the ninety-nine, or less number, subservient to the interests of the hundred, because thereby the greatest good to the greatest number will be promoted. Some persons on this view (not understanding it properly) attack our institutions of the subordination of the inferior race amongst us, while others defend that system upon the principle of the greatest good to the greatest number, which I am combatting. Both these classes of persons are wrong. If slavery with us rested upon this principle, which these advocates advance, it would be wrong, and ought to be abolished, while the position assumed by me above is perfectly consistent with that institution. The solution is this: The negroes amongst us, it is true, form component elements in society. But subordination from natural inferiority is their normal condition. This does not imply, however, that they have no rights or interests that society in its government of all its members should look after. Our institutions logically rest upon the assumption, which I think demonstrably correct, that their present relation to the white race, when properly regulated by law, is best for both parties. One thing is certain, if it is not best for both, or cannot be made best for both in view of the physical, moral, and intellectual development and advancement of both, by proper regulations to be adopted by society in its government of the whole, then the institution is wrong in principle, and ought to be abandoned. The fact is, that the relation properly regulated by law is the best for both in every view of the question in my judgment.

This digression you will pardon. I was drawn into it only for illustration. Society in its government should look not

to the greatest good to the greatest number, but to the greatest attainable good to all without injury or detriment to any. This should be the universal rule. The best way to secure its practical application in republics or popular governments, in my opinion, is to make approaches toward the unanimity principle, at least in legislation. How nearly perfect unanimity should be required, or what proportion of the votes in legislative bodies should be required to pass any law, I am not prepared to say. While great mischiefs grow out of the bare majority principle as our own, as well as the history of many other countries shows, very little danger need be apprehended from such modification of it as I speak of—not even if it should be extended to a requisition of perfect unanimity. All proper laws are steps in progress by society. Society can much more safely stand still awhile as a general rule, than to venture a step without a full and clear conviction that it is in the right direction. No truth is better established than that “the world is governed too much.” No new law ought ever to be passed until the wants and needs of society as a whole in its progress requires it. All checks upon legislation looking to this end are not only proper, but eminently wise. With free speech, free discussion, and a free press, the power of truth, amongst an enlightened people, would not be long in bringing the general opinion of the whole body of legislators to a proper and just appreciation of any new measure or proposed advanced step in progress—quite soon enough for that prudent, safe, and stately step, that all governments should be careful to make. Many, I am fully aware, would be disposed to consider these views utterly impracticable, if not chimerical; such persons are but superficial observers. They do not understand the true philosophy of government. It is a lamentable fact, that there has been less improvement in the progress of civilization from the lights of experience in the science of government, than in any other branch of human knowledge. I have not time now to enlarge upon those views, or to fortify the positions taken. I will simply add, that those who doubt the efficient practical working of such new checks upon legislation in our systems, as I suggest, would do well to study the annals of Poland and the kingdom of Arragon. Mr. Calhoun, in his matchless treatise upon government, has clearly shown the admirable workings of the unanimity principle, even in the election of their chief magistrate in the former of these countries for centuries. While in Arragon, to which he does not refer, history teaches that for several hundred years the Cortes, the legislative body of the kingdom, could pass no law or elect a ruler without the vote of every member in each house. The system worked well with them. Under that system, Ferdinand with Isabella reigned. Under that system, Spain reached a higher degree of civilization than any of her neighboring States. She took the lead of all Europe—and under her liberal and enlightened auspices the new western

world was discovered. Let no one hastily or rashly condemn even the unanimity principle in view of this actual practical experiment as to its workings, and working well for ages. Indeed, the liberties of Arragon were never lost until the ambitious Charles V. by corrupt means procured the abandonment of this principle in the Cortes. Under it, there can be no such thing as party or party organization. All must agree; all must be of the same way of thinking; all must be of the same party before any thing can be done. Without saying more on the subject, I submit these thoughts to you as the key to the surest prevention of parties in Republics. * * * * This letter is already much too long. I have been interrupted several times since its commencement. It is not, therefore, so connected as it otherwise might have been. I trust, however, that as long and as disjointed as it is, you will not feel *bored* by its perusal; if, indeed, you shall be able to decipher my *hieroglyphics*. I hope to be in Richmond before long, when I should like to talk over these and other matters. My health is quite feeble, though it is much better than it was last fall and winter.

Yours, most respectfully,

ALEXANDER H. STEPHENS.

ADDRESS BEFORE THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA, FEBRUARY 22, 1866.

Gentlemen of the Senate and House of Representatives :

I appear before you in answer to your call. This call, coming in the imposing form it does, and under the circumstances it does, requires a response from me. You have assigned to me a very high, a very honorable and responsible position. This position you know I did not seek. Most willingly would I have avoided it; and nothing but an extraordinary sense of duty could have induced me to yield my own disinclinations and aversions to your wishes and judgment in the matter. For this unusual manifestation of esteem and confidence, I return you my profoundest acknowledgments of gratitude. Of one thing only can I give you any assurance, and that is, if I shall be permitted to discharge the trusts thereby imposed, they will be discharged with a singleness of purpose to the public good.

The great object with me now, is to see a restoration, if possible, of peace, prosperity, and constitutional liberty in this once happy, but now disturbed, agitated, and distracted country. To this end, all my energies and efforts, to the extent of their powers, will be devoted.

You ask my views on the existing state of affairs; our duties

at the present, and the prospects of the future? This is a task from which, under other circumstances, I might very well shrink. He who ventures to speak, and to give counsel and advice in times of peril, or disaster, assumes no enviable position. Far be that rashness from me which sometimes prompts the forward to rush in where angels might fear to tread. In responding, therefore, briefly to your inquiries, I feel, I trust, the full weight and magnitude of the subject. It involves the welfare of millions now living, and that of many more millions who are to come after us. I am also fully impressed with the consciousness of the inconceivably small effect of what I shall say upon the momentous results involved in the subject itself.

It is with these feelings I offer my mite of counsel at your request. And in the outset of the undertaking, limited as it is intended to be to a few general ideas only, well may I imitate an illustrious example in invoking aid from on high; "that I may say nothing on this occasion which may compromit the rights, the honor, the dignity, or best interests of my country." I mean specially the rights, honor, dignity, and best interests of the people of Georgia. With their sufferings, their losses, their misfortunes, their bereavements, and their present utter prostration, my heart is in deepest sympathy.

a- We have reached that point in our affairs at which the great question before us is—"To be or not to be?"—and if to be—How? Hope, ever springing in the human breast, prompts, even under the greatest calamities and adversities, never to despair. Adversity is a severe school, a terrible crucible; both for individuals and communities. We are now in this school, this crucible, and should bear in mind that it is never negative in its action. It is always positive. It is ever decided in its effects, one way or the other. It either makes better or worse. It either brings out unknown vices, or arouses dormant virtues. In morals; its tendency is to make saints or reprobates—in politics to make heroes or desperadoes. The first indication of its working for good, to which hope looks anxiously, is the manifestation of a full consciousness of its nature and extent; and the most promising grounds of hope for possible good from our present troubles, or of things with us getting better instead of worse, is the evident general realization, on the part of our people, of their present situation: of the evils now upon them, and of the greater ones still impending. These it is not my purpose to exaggerate if I could; that would be useless; nor to lessen or extenuate; that would be worse than useless. All fully understand and realize them. They feel them. It is well they do.

Can these evils upon us—the absence of law; the want of protection and security of person and property, without which civilization cannot advance—be removed? or can those greater ones which threaten our very political existence, be averted? These are the questions.

It is true we have not the control of all the remedies, even if these questions could be satisfactorily answered. Our fortunes and destiny are not entirely in our own hands. Yet there are some things that we may, and can, and ought, in my judgment, to do, from which no harm can come, and from which some good may follow, in bettering our present condition. States and communities, as well as individuals, when they have done the best they can in view of surrounding circumstances, with all the lights they have before them—let results be what they may—can at least enjoy the consolation—no small recompense that—of having performed their duty, and of having a conscience void of offence before God and man. This, if no more valuable result, will, I trust, attend the doing of what I propose.

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The first great duty, then, I would enjoin at this time, is the exercise of the simple, though difficult and trying, but nevertheless indispensable quality of patience. Patience requires of those afflicted to bear and to suffer with fortitude whatever ills may befall them. This is often, and especially is it the case with us now, essential for their ultimate removal by any instrumentalities whatever. We are in the condition of a man with a dislocated limb, or a broken leg, and a very bad compound fracture at that. How it became broken should not be with him a question of so much importance, as how it can be restored to health, vigor, and strength. This requires of him, as the highest duty to himself, to wait quietly and *patiently* in splints and bandages, until nature resumes her active powers—until the vital functions perform their office. The knitting of the bones and the granulation of the flesh require time; perfect quiet and repose, even under the severest pain, is necessary. It will not do to make too great haste to get well; an attempt to walk too soon will only make the matter worse. We must or ought now, therefore, in a similar manner to discipline ourselves to the same or like degree of patience. I know the anxiety and restlessness of the popular mind to be fully on our feet again—to walk abroad as we once did—to enjoy once more the free outdoor air of heaven, with the perfect use of all our limbs. I know how trying it is to be denied representation in Congress, while we are paying our proportion of the taxes—how annoying it is to be even partially under military rule—and how injurious it is to the general interest and business of the country to be without post-offices and mail communications; to say nothing of divers other matters on the long list of our present inconveniences and privations. All these, however, we must patiently bear and endure for a season. With quiet and repose we may get well—may get once more on our feet again. One thing is certain, that bad humor, ill-temper, exhibited either in restlessness or grumbling, will not hasten it.

Next to this, another great duty we owe to ourselves is the exercise of a liberal spirit of forbearance amongst ourselves.

The first step toward local or general harmony, is the banish-

ment from our breasts of every feeling and sentiment calculated to stir the discords of the past. Nothing could be more injurious or mischievous to the future of this country, than the agitation, at present, of questions that divided the people anterior to, or during the existence of the late war. On no occasion, and especially in the bestowment of office, ought such differences of opinion in the past ever to be mentioned, either for or against any one, otherwise equally entitled to confidence. These ideas or sentiments of other times and circumstances are not the germs from which hopeful organizations can now arise. Let all differences of opinion, touching errors, or supposed errors, of the head or heart, on the part of any, in the past, growing out of these matters, be at once, in the deep ocean of oblivion forever buried. Let there be no criminations or recriminations on account of acts of other days. No canvassing of past conduct or motives. Great disasters are upon us and upon the whole country, and without inquiring how these originated, or at whose door the fault should be laid, let us now as common sharers of common misfortunes, on all occasions, consult only as to the best means, under the circumstances as we find them, to secure the best ends toward future amelioration. Good government is what we want. This should be the leading desire and the controlling object with all; and I need not assure you, if this can be obtained, that our desolated fields, our towns and villages, and cities now in ruins, will soon—like the Phoenix—rise again from their ashes; and all our waste places will again, at no distant day, blossom as the rose.

This view should also be borne in mind, that whatever differences of opinion existed before the late fury of the war, they sprung mainly from differences as to the best means to be used, and the best line of policy to be pursued, to secure the great controlling object of all—which was GOOD GOVERNMENT. Whatever may be said of the loyalty or disloyalty of any, in the late most lamentable conflict of arms, I think I may venture safely to say, that there was, on the part of the great mass of the people of Georgia, and of the entire South, no *disloyalty* to the principles of the constitution of the United States. To that system of representative government; of delegated and limited powers; that establishment in a new phase, on this continent, of all the essentials of England's *Magna Charta*, for the protection and security of life, liberty and property; with the additional recognition of the principle as a fundamental truth, that all political power resides in the people. With us it was simply a question as to where our allegiance was due in the maintenance of these principles—which authority was paramount in the last resort—State or federal. As for myself, I can affirm that no sentiment of disloyalty to these great principles of self-government, recognized and embodied in the constitution of the United States, ever beat or throbbed in breast or heart of mine. To their maintenance my whole soul was ever enlisted, and to this end my whole life has

heretofore been devoted, and will continue to be the rest of my days—God willing. In devotion to these principles, I yield to no man living. This much I can say for myself; may I not say the same for you and for the great mass of the people of Georgia, and for the great mass of the people of the entire South? Whatever differences existed amongst us, arose from differences as to the best and surest means of securing these great ends, which was the object of all. It was with this view and this purpose secession was tried. That has failed. Instead of bettering our condition, instead of establishing our liberties upon a surer foundation, we have, in the war that ensued, come well nigh losing the whole of the rich inheritance with which we set out.

This is one of the sad realizations of the present. In this, too, we are but illustrating the teachings of history. Wars, and civil wars especially, always menace liberty; they seldom advance it; while they usually end in its entire overthrow and destruction. Ours stopped just short of such a catastrophe. Our only alternative now is, either to give up all hope of constitutional liberty, or to retrace our steps, and to look for its vindication and maintenance in the forums of reason and justice, instead of on the arena of arms—in the courts and halls of legislation, instead of on the fields of battle.

I am frank and candid in telling you right here, that our surest hopes, in my judgment, of these ends, are in the restoration policy of the President of the United States. I have little hope for liberty—little hope for the success of the great American experiment of self-government—but in the success of the present efforts for the restoration of the States to their former practical relations in a common government, under the constitution of the United States.

We are not without an encouraging example on this line in the history of the mother country—in the history of our ancestors—from whom we derived, in great measure, the principles to which we are so much devoted. The truest friends of liberty in England once, in 1642, abandoned the forum of reason, and appealed, as we did, to the sword, as the surest means, in their judgment, of advancing their cause. This was after they had made great progress, under the lead of Coke, Hampden, Falkland and others, in the advancement of liberal principles. Many usurpations had been checked; many of the prerogatives of the crown had been curtailed; the petition of right had been sanctioned; ship-money had been abandoned; courts-martial had been done away with; *habeas corpus* had been re-established; high courts of commission and star-chamber had been abolished; many other great abuses of power had been corrected, and other reforms established. But not satisfied with these, and not satisfied with the peaceful working of reason, to go on in its natural sphere, the denial of the sovereignty of the crown was pressed by the too ardent reformers upon Charles the First. All else he had yielded—this he would

not. The sword was appealed to, to settle the question; a civil war was the result; great valor and courage were displayed on both sides; men of eminent virtue and patriotism fell in the sanguinary and fratricidal conflict; the king was deposed and executed; a commonwealth proclaimed. But the end was the reduction of the people of England to a worse state of oppression than they had been in for centuries. They retraced their steps. After nearly twenty years of exhaustion and blood, and the loss of the greater portion of the liberties enjoyed by them before, they, by almost unanimous consent, called for restoration. The restoration came. Charles the Second ascended the throne, as unlimited a monarch as ever ruled the empire. Not a pledge was asked or a guarantee given, touching the concessions of the royal prerogative, that had been exacted and obtained from his father.

The true friends of liberty, of reform and of progress in government, had become convinced that these were the offspring of peace and of enlightened reason, and not of passion nor of arms. The House of Commons and the House of Lords were henceforth the theatres of their operations, and not the fields of Newberry or Marston-Moor. The result was, that in less than thirty years, all their ancient rights and privileges, which had been lost in the civil war, with new securities, were re-established in the ever-memorable settlement of 1688; which, for all practical purposes, may be looked upon as a bloodless revolution. Since that time, England has made still further and more signal strides in reform and progress. But not one of these has been effected by resort to arms. Catholic emancipation was carried in parliament, after years of argument, against the most persistent opposition. Reason and justice ultimately prevailed. So with the removal of the disability of the Jews—so with the overthrow of the rotten-borough system—so with the extension of franchise—so with the modification of the corn-laws, and restrictions on commerce, opening the way to the establishment of the principles of free-trade—and so with all the other great reforms by parliament, which have so distinguished English history for the last half century.

May we not indulge hope, even in the alternative before us now, from this great example of restoration, if we but do as the friends of liberty there did? This is my hope, my only hope. It is founded on the virtue, intelligence and patriotism of the American people. I have not lost my faith in the people, or in their capacity for self-government. But for these great essential qualities of human nature, to be brought into active and efficient exercise, for the fulfilment of patriotic hopes, it is essential that the passions of the day should subside; that the causes of these passions should not now be discussed; that the embers of the late strife shall not be stirred.

Man by nature is ever prone to scan closely the errors and defects of his fellow man—ever ready to rail at the mote in his brother's eye, without considering the beam that is in his own.

This should not be. We all have our motives or beams. We are all frail; perfection is the attribute of none. Prejudice or prejudice should be indulged toward none. Prejudice! What wrongs, what injuries what mischiefs, what lamentable consequences, have resulted at all times from nothing but this perversity of the intellect! Of all the obstacles to the advancement of truth and human progress, in every department—in science, in art, in government, and in religion, in all ages and climes, not one on the list is more formidable, more difficult to overcome and subdue, than this horrible distortion of the moral as well as intellectual faculties. It is a host of evil within itself. I could enjoin no greater duty upon my countrymen now, North and South, than the exercise of that degree of forbearance which would enable them to conquer their prejudices. One of the highest exhibitions of the moral sublime the world ever witnessed, was that of Daniel Webster, when in an open barouche in the streets of Boston, he proclaimed in substance, to a vast assembly of his constituents—unwilling hearers—that “they had conquered an uncongenial clime; they had conquered a sterile soil; they had conquered the winds and currents of the ocean; they had conquered most of the elements of nature; but they must yet learn to conquer their prejudices!” I know of no more fitting incident or scene in the life of that wonderful man, “*Clarus et vir Fortissimus*,” for perpetuating the memory of the true greatness of his character, on canvas or in marble, than a representation of him as he then and there stood and spoke! It was an exhibition of moral grandeur surpassing that of Aristides when he said, “Oh Athenians, what Themistocles recommends would be greatly to your interest, but it would be unjust”!

I say to you, and if my voice could extend throughout this vast country, over hill and dale, over mountain and valley, to hovel, hamlet and mansion, village, town and city, I would say, among the first, looking to restoration of peace, prosperity and harmony in this land, is the great duty of exercising that degree of forbearance which will enable them to conquer their prejudices. Prejudices against communities as well as individuals.

And next to that, the indulgence of a Christian spirit of charity. “Judge not that ye be not judged,” especially in matters growing out of the late war. Most of the wars that have scourged the world, even in the Christian era, have arisen on points of conscience, or differences as to the surest way of salvation. A strange way that to heaven, is it not? How much disgrace to the church, and shame to mankind, would have been avoided, if the ejaculation of each breast had been, at all times, as it *should* have been,

“Let not this weak, unknowing hand,
Presume Thy bolts to throw;
And deal damnation round the land,
On him I deem *Thy* foe.”

How equally proper is it now, when the spirit of peace seems to be hovering over our war-stricken land, that in canvassing the conduct or motives of others during the late conflict, this great truth should be impressed upon the minds of all,

“Who made the heart? ’Tis He alone
Decidedly, can try us;
He knows each chord, its various tone,
Each spring, its various bias;
Then at the balance, let’s be mute,
We never can adjust it;
What’s done, we partly may compute,
But know not what’s resisted.”

Of all the heaven descended virtues, that elevate and ennoble human nature, the highest, the sublimest, and the divinest is charity. By all means, then, fail not to exercise and cultivate this soul-regenerating element of fallen nature. Let it be cultivated and exercised not only amongst ourselves and toward ourselves, on all questions of motive or conduct touching the late war, but toward all mankind. Even toward our enemies, if we have any, let the aspirations of our hearts be. “Father, forgive them; they know not what they do.” The exercise of patience, forbearance, and charity, therefore, are the three first duties I would at this time enjoin—and of these three, “the greatest is charity.”

But to proceed. Another one of our present duties, is this: we should accept the issues of the war, and abide by them in good faith. This, I feel fully persuaded, it is your purpose to do, as well as that of your constituents. The people of Georgia have in convention revoked and annulled her ordinance of 1861, which was intended to sever her from the compact of Union of 1787. The constitution of the United States has been reordained as the organic law of our land. Whatever differences of opinion heretofore existed as to where our allegiance was due, during the late state of things, none for any practical purpose can exist now. Whether Georgia, by the action of her convention of 1861, was ever rightfully out of the Union or not, there can be no question that she is now in, so far as depends upon her will and deed. The whole United States, therefore, is now without question our country, to be cherished and defended as such, by all our hearts and by all our arms.

The constitution of the United States, and the treaties and laws made in pursuance thereof, are now acknowledged to be the paramount law in this whole country. Whoever, therefore, is true to these principles as now recognized, is loyal as far as that term has any legitimate use or force under our institutions. This is the only kind of loyalty and the only test of loyalty the constitution itself requires. In any other view, every thing pertaining to restoration, so far as regards the great body of the people in at least eleven States of the Union, is but making a promise to the

ear to be broken to the hope. All, therefore, who accept the issue of war in good faith, and come up to the test required by the constitution, are now loyal, however they may have heretofore been.

But with this change comes a new order of things. One of the results of the war is a total change in our whole internal polity. Our former social fabric has been entirely subverted. Like those convulsions in nature which break up old incrustations, the war has wrought a new epoch in our political existence. Old things have passed away, and all things among us in this respect are new. The relation heretofore, under our old system, existing between the African and European races, no longer exists. Slavery, as it was called, or the *status* of the black race, their subordination to the white, upon which all our institutions rested, is abolished forever, not only in Georgia, but throughout the limits of the United States. This change should be received and accepted as an irrevocable fact. It is a bootless question now to discuss, whether the new system is better for both races than the old one was or not. That may be proper matter for the philosophic and philanthropic historian, at some future time to inquire into, after the new system shall have been fully and fairly tried.

All changes of systems or proposed reforms are but experiments and problems to be solved. Our system of self-government was an experiment at first. Perhaps as a problem it is not yet solved. Our present duty on this subject is not with the past or the future; it is with the present. The wisest and the best often err, in their judgments as to the probable workings of any new system. Let us therefore give this one a fair and just trial, without prejudice, and with that earnestness of purpose which always looks hopefully to success. It is an ethnological problem, on the solution of which depends, not only the best interests of both races, but it may be the existence of one or the other, if not both.

This duty of giving this new system a fair and just trial will require of you, as legislators of the land, great changes in our former laws in regard to this large class of population. Wise and humane provisions should be made for them. It is not for me to go into detail. Suffice it to say on this occasion, that ample and full protection should be secured to them, so that they may stand equal before the law, in the possession and enjoyment of all rights of person, liberty and property. Many considerations claim this at your hands. Among these may be stated their fidelity in times past. They cultivated your fields, ministered to your personal wants and comforts, nursed and reared your children; and even in the hour of danger and peril they were, in the main, true to you and yours. To them we owe a debt of gratitude, as well as acts of kindness. This should also be done because they are poor, untutored, uninformed; many of them helpless, liable to be imposed upon, and need it. Legislation should ever look to

the protection of the weak against the strong. Whatever may be said of the equality of races, or their natural capacity to become equal, no one can doubt, that at this time, this race among us is not equal to the Caucasian. This inequality does not lessen the moral obligations on the part of the superior to the inferior, it rather increases them. (From him who has much, more is required than from him who has little.) The present generation of them, it is true, is far above their savage progenitors, who were at first introduced into this country, in general intelligence, virtue, and moral culture. This shows capacity for improvement. But in all the higher characteristics of mental development, they are still very far below the European type. What further advancement they may make, or to what standard they may attain, under a different system of laws every way suitable (and wisely applicable) to their changed condition, time alone can disclose. I speak of them as we now know them to be; having no longer the protection of a master, or legal guardian, they now need all the protection which the shield of the law can give.

But, above all, this protection should be secured, because it is right and just that it should be, upon general principles. All governments in their organic structure, as well as in their administration, should have this leading object in view; the good of the governed. Protection and security to all under its jurisdiction, should be the chief end of every government. It is a melancholy truth that while this should be the chief end of all governments, most of them are used only as instruments of power, for the aggrandizement of the few, at the expense of, and by the oppression of, the many. Such are not our ideas of government, never have been and never should be. Governments, according to our ideas, should look to the good of the whole, and not a part only. "The greatest good to the greatest number," is a favorite dogma with some. Some so defended our old system. But you know this was never my doctrine. The greatest good to all, without detriment or injury to any, is the true rule. Those governments only are founded upon correct principles, of reason and justice, which look to the greatest attainable advancement, improvement and progress, physically, intellectually and morally, of all classes and conditions within their rightful jurisdiction. If our old system was not the best, or could not have been made the best, for both races, in this respect and upon this basis, it ought to have been abolished. This was my view of that system while it lasted, and I repeat it now that it is no more. In legislation, therefore, under the new system, you should look to the best interest of all classes; their protection, security, advancement and improvement, physically, intellectually, and morally. All obstacles, if there be any, should be removed, which can possibly hinder or retard, the improvement of the blacks to the extent of their capacity. All proper aid should be given to their own efforts. Channels of education should be opened up to them. Schools, and the usual

means of moral and intellectual training, should be encouraged amongst them. This is the dictate, not only of what is right and proper, and just in itself, but it is also the promptings of the highest considerations of interest. It is difficult to conceive a greater evil or curse, that could befall our country, stricken and distressed as it now is, than for so large a portion of its population, as this class will quite probably constitute amongst us, hereafter, to be reared in ignorance, depravity and vice. In view of such a state of things well might the prudent even now look to its abandonment. Let us not however, indulge in such thoughts of the future. nor let us, without an effort, say the system cannot be worked. Let us not, standing still, hesitatingly ask, "Can there any good thing come out of Nazareth?" but let us rather say as Gamaliel did, "If this counsel or this work be of men, it will come to naught, but if it be of God ye cannot overthrow it, lest haply ye be found even to fight against God." The most vexed questions of the age are social problems. These we have heretofore had but little to do with; we were relieved from them by our peculiar institution. Emancipation of the blacks, with its consequences, was ever considered by me with much more interest as a social question, one relating to the proper status of the different elements of society, and their relations toward each other, looking to the best interest of all, than in any other light. The pecuniary aspect of it, the considerations of labor and capital, in a *politico economic* view, sunk into insignificance, in comparison with this. This problem, as one of the results of the war, is now upon us, presenting one of the most perplexing questions of the sort that any people ever had to deal with. Let us resolve to do the best we can with it, from all the lights we have, or can get from any quarter. With this view, and in this connection, I take the liberty of quoting for your consideration, some remarks even from the Rev. Henry Ward Beecher. I met with them some months ago while pondering on this subject, and was as much struck as surprised, with the drift of their philosophy, coming from the source they did. I give them as I find them in the *New York Times* where they were reported. You may be as much surprised at hearing such ideas from Mr. Beecher, as I was. But however much we may differ from him on many questions, and on many questions connected with this subject, yet all must admit him to rank amongst the master spirits of the age. And no one perhaps has contributed more by the power of his pen and voice in bringing about the present state of things, than he has. Yet, nevertheless, I commend to your serious consideration, as pertinent to my present object, what he was reported to have said, as follows:

"In our land and time facts and questions are pressed upon us which demand Christian settlement—settlement on this ground and doctrine. We cannot escape the responsibility. Being strong and powerful, we must nurse, and help, and educate, and foster the weak, and poor, and igno-

rant. For my own part I cannot see how we shall escape the most terrible conflict of classes, by and by, unless we are educated into this doctrine of duty, on the part of the superior to the inferior. We are told by zealous and fanatical individuals, that all men are equal. We know better. They are not equal. A common brotherhood teaches no such absurdity. A theory of universal, physical likeness, is no more absurd than this. Now, as in all times, the strong go to the top, the weak go to the bottom. Its natural, right and can't be helped. All branches are not at the top of the tree, but the top does not despise the lower; nor do they all despise the limb or the parent trunk; and so with the body politic, there must be classes. Some must be at the top and some must be at the bottom. It is difficult to foresee, and estimate the development of the *power* of classes in America. They are simply inevitable. They are here now, and will be more. If they are friendly, living at peace, loving and respecting and helping one another, all will be well. But if they are selfish, unchristian; if the old heathen feeling is to reign, each extracting all he can from his neighbor, and caring nothing for him; society will be lined by classes as by seams—like batteries, each firing broadside after broadside, the one upon the other. If, on the other hand, the law of love prevails, there will be no ill-will, no envy, no disturbance. Does a child hate his father because he is chief, because he is strong and wise? On the contrary, he grows with his father's growth, and strengthens with his strength. And if in society there should be fifty grades or classes, all helping each other, there will be no trouble, but perfect satisfaction and content. This Christian doctrine carried into practice, will easily settle the most troublesome of all home present questions."

What he here said of the state of things where he spoke in the State of New York, and the fearful antagonism of classes there, is much more applicable to us. Here, it is true, only two great classes exist, or are likely to exist, but these are deeply marked by distinctions bearing the impress of nature. The one is now beyond all question greatly superior to the other. These classes are as distinct as races of men can be. The one is of the highest type of humanity, the other of the lowest. All that he says of the duty of the superior, to protect, to aid, to encourage, and to help the inferior, I fully and cordially indorse and commend to you as quite as applicable to us and our situation, as it was to his auditors. Whether the doctrine, if carried out and practiced, will settle all these most troublesome home questions with us as easily as he seemed to think it would like home questions with those whom he was addressing, I will not undertake to say. I have no hesitancy, however, in saying that the general principles announced by him are good. Let them be adopted by us as far as practicable. No harm can come from it, much good may. [Whether the great barrier of races which the Creator has placed between this, our inferior class and ourselves, shall prevent a success of the experiment now on trial, of a peaceful, happy, and prosperous community, composed of such elements and sustaining present relations toward each other, or even a further elevation on the part of the inferior, if they prove themselves fit for it, let the future, under the dispensations of Providence, decide. We have to deal

with the present. Let us do our duty now, leaving results and ultimate consequences to that

"Divinity which shapes our ends,
Rough hew them how we will."

In all things on this subject, as in all others, let our guide be the admirable motto of our State. Let our counsels be governed by wisdom, our measures by moderation, and our principles by justice.

So much for what I have to say on this occasion, touching our present duties on this absorbing subject, and some of our duties in reference to a restoration of peace, law and order; without which all must, sooner or later, end in utter confusion, anarchy and despotism. I have, as I said I should, only glanced at some general ideas.

Now as to the future, and the prospect before us! On this branch of the subject I can add but little. You can form some ideas of my views of that from what has already been said. Would that I could say something cheerful; but that candor, which has marked all that I have said, compels me to say that to me the future is far from being bright. Nay, it is dark and impenetrable; thick gloom curtains and closes in the horizon all around us. Thus much I can say: my only hope is in the peaceful re-establishment of good government, and its peaceful maintenance afterward. And, further, the most hopeful prospect to this end now is the restoration of the old Union, and with it the speedy return of fraternal feeling throughout its length and breadth. These results depend upon the people themselves—upon the people of the North quite as much as the people of the South—upon their virtue, intelligence, and patriotism. I repeat, I have faith in the American people, in their virtue, intelligence and patriotism. But for this I should long since have despaired. Dark and gloomy as the present hour is, I do not yet despair of free institutions. Let but the virtue, intelligence, and patriotism of the people throughout the whole country be properly appealed to, aroused and brought into action, and all may yet be well. The masses, everywhere, are alike equally interested in the great object. Let old issues, old questions, old differences, and old feuds, be regarded as fossils of another epoch. They belong to what may hereafter be considered, the Silurian period of our history. Great, new, living questions are before us. Let it not be said of us in this day, not yet passed, of our country's greatest trial and agony, that, "there was a party for Cæsar, a party for Pompey, and a party for Brutus, but no party for Rome."

But let all patriots, by whatever distinctive name heretofore styled, rally, in all elections everywhere, to the support of him, be he who he may, who bears the standard with "Constitutional Union" emblazoned on its folds. President Johnson is now, in my judgment, the chief great standard-bearer of these principles,

and in his efforts at restoration should receive the cordial support of every well-wisher of his country.

In this consists, on this rests, my only hope. Should he be sustained, and the government be restored to its former functions, all the States brought back to their practical relations under the constitution, our situation will be greatly changed from what it was before. A radical and fundamental change, as has been stated, has been made in that organic law. We shall have lost what was known as our "peculiar institution" which was so intertwined with the whole framework of our State body politic. We shall have lost nearly half the accumulated capital of a century. But we shall have still left all the essentials of free government, contained and embodied in the old constitution, untouched and unimpaired as they came from the hands of our fathers. With these, even if we had to begin entirely anew, the prospect before us would be much more encouraging than the prospect was before them, when they fled from the oppressions of the old world, and sought shelter and homes in this then wilderness land. The liberties we begin with, they had to achieve. With the same energies and virtues they displayed, we have much more to cheer us than they had. With a climate unrivalled in salubrity; with a soil unsurpassed in fertility; and with products unequalled in value in the markets of the world, to say nothing of our mineral resources, we shall have much still to wed us to the good old land. With good government, the matrix from which alone spring all great human achievements, we shall lack nothing but our own proper exertions, not only to recover our former prosperity, but to attain a much higher degree of development in every thing that characterizes a great, free, and happy people. At least I know of no other land that the sun shines upon, that offers better prospects under the contingencies stated.

The old Union was based upon the assumption, that it was for the best interest of the people of all the States to be united as they were, each State faithfully performing to the people of the other States all their obligations under the common compact. I always thought this assumption was founded upon broad, correct, and statesman-like principles. I think so yet. It was only when it seemed to be impossible further to maintain it, without hazarding greater evils than would perhaps attend a separation, that I yielded my assent in obedience to the voice of Georgia, to try the experiment which has just resulted so disastrously to us. Indeed, during the whole lamentable conflict, it was my opinion that however the pending strife might terminate, so far as the appeal to the sword was concerned, yet after a while, when the passions and excitements of the day should pass away, an adjustment or arrangement would be made upon continental principles, upon the general basis of "reciprocal advantage and mutual convenience," on which the Union was first established. My earnest desire, however, throughout, was whatever might be done, might

be peaceably done; might be the result of calm, dispassionate, and enlightened reason; looking to the permanent interests and welfare of all. And now, after the severe chastisement of war, if the general sense of the whole country shall come back to the acknowledgment of the original assumption, that it is for the best interests of all the States to be so united, as I trust it will; the States still being "separate as the billows but one as the sea;" I can perceive no reason why, under such restoration, we as a whole, with "peace, commerce, and honest friendship with all nations and entangling alliances with none," may not enter upon a new career, exciting increased wonder in the old world, by grander achievements hereafter to be made, than any heretofore attained, by the peaceful and harmonious workings of our American institutions of self-government. All this is possible if the hearts of the people be right. It is my earnest wish to see it. Fondly would I indulge my fancy in gazing on such a picture of the future. With what rapture may we not suppose the spirits of our fathers would hail its opening scenes from their mansions above. Such are my hopes, resting on such contingencies. But if, instead of all this, the passions of the day shall continue to bear sway; if prejudice shall rule the hour; if a conflict of races shall arise; if ambition shall turn the scale; if the sword shall be thrown in the balance against patriotism; if the embers of the late war shall be kept a-glowing until with new fuel they shall flame up again, then our present gloom is but the shadow, the *penumbra* of that deeper and darker eclipse, which is to totally obscure this hemisphere and blight forever the anxious anticipations and expectations of mankind! Then, hereafter, by some bard it may be sung,

"The Star of Hope shone brightest in the West,
The hope of Liberty, the last, the best;
That, too, has set, upon her darkened shore,
And Hope and Freedom light up earth no more."

May we not all, on this occasion, on this anniversary of the birth day of Washington, join in a fervent prayer to Heaven that the Great Ruler of events may avert from this land such a fall, such a fate, and such a requiem!

RESTORATION.

TESTIMONY OF ALEXANDER H. STEPHENS BEFORE
THE RECONSTRUCTION COMMITTEE.ALEXANDER H. STEPHENS.—*Sworn and examined :*

By Mr. Boutwell :

Q. State your residence.

A. Crawfordsville, Georgia.

Q. What means have you had since Lee's surrender to ascertain the sentiments of the people of Georgia with regard to the Union?

A. I was at home, in Georgia, at the time of the surrender of General Lee, and remained there until the 11th of May, and during that time conferred very freely with the people in my immediate neighborhood, with the governor of the State, and with one or two other leading or prominent men in the State. From the 11th of May until my return to Georgia, which was the 25th of October, I had no means of knowing any thing of the public sentiment there, except through the public press and such letters as I received. From the time of my return until I left the State on my present visit here, I had very extensive intercourse with the people, visiting Augusta, visiting Milledgeville during the session of the legislature, first on their assembling, again in January upon their reassembling, and again in the latter part of February. While there, I conversed very freely and fully with all the prominent leading men, or most of them, in the legislature, and met a great many of the prominent, influential men of the State, not connected with the legislature ; and by letters from and correspondence with men in the State whom I have not met. I believe that embraces a full answer to the question as to my means of ascertaining the sentiments of the people of that State upon the subject stated in the question.

Q. As the result of your observations, what is your opinion of the purpose of the people with reference to the reconstruction of the government, and what are their desires and purposes concerning the maintenance of the government?

A. My opinion, and decided opinion, is that an overwhelming majority of the people of Georgia are exceedingly anxious for the restoration of the government, and for the State to take her former position in the Union, to have her senators and representatives admitted into Congress, and to enjoy all her rights and to discharge all her obligations as a State under the constitution of the United States as it stands amended.

Q. What are their present views concerning the justice of the rebellion? Do they at present believe that it was a reasonable and proper undertaking, or otherwise?

A. My opinion of the sentiment of the people of Georgia upon

that subject is, that the exercise of the right of secession was resorted to by them from a desire to render their liberties and institutions more secure, and a belief on their part that this was absolutely necessary for that object. They were divided upon the question of the policy of the measure; there was, however, but very little division among them upon the question of the right of it. It is now their belief, in my opinion—and I give it merely as an opinion—that the surest, if not the only hope for their liberties is the restoration of the constitution of the United States and of the government of the United States under the constitution.

Q. Has there been any change of opinion as to the right of secession, as a right in the people or in the States?

A. I think there has been a very decided change of opinion, as to the policy, by those who favored it. I think the people generally are satisfied sufficiently with the experiment, never to resort to that measure of redress again, by force, whatever may be their own abstract ideas upon that subject. They have given up all idea of a maintenance of these opinions by a resort to force. They have come to the conclusion that it is better to appeal to the forums of reason and justice, to the halls of legislation and the courts, for the preservation of the principles of constitutional liberty, than to the arena of arms. It is my settled conviction that there is not any idea cherished at all in the public mind of Georgia, of ever resorting again to secession, or to the exercise of the right of secession by force. That whole policy for the maintenance of their rights, in my opinion, is at this time totally abandoned.

Q. But the opinion as to the right, as I understand, remains substantially the same?

A. I cannot answer as to that. Some may have changed their opinion in this respect. It would be an unusual thing, as well as a difficult matter, for a whole people to change their convictions upon abstract truths or principles. I have not heard this view of the subject debated or discussed recently, and I wish to be understood as giving my opinion only on that branch of the subject which is of practical character and importance.

Q. To what do you attribute the change of opinion as to the propriety of attempting to maintain their views by force?

A. Well, sir, my opinion about that—my individual opinion, derived from observation—is that this change of opinion arose mainly from the operation of the war among themselves, and the results of the conflict, from their own authorities on their individual rights of person and property—the general breaking down of constitutional barriers which usually attend all protracted wars.

Q. In 1861, when the ordinance of secession was adopted in your State, to what extent was it supported by the people?

A. After the proclamation of President Lincoln calling out seventy-five thousand militia, under the circumstances it was is-

sued, and blockading the southern ports, and the suspension of the writ of habeas corpus, the southern cause, as it was termed, received the almost unanimous support of the people of Georgia. Before that they were very much divided on the question of the policy of secession. But afterward they supported the cause within the range of my knowledge, with very few exceptions, (there were some few exceptions, not exceeding half a dozen I think.) The impression then prevailing was, that public liberty was endangered, and they supported the cause because of their zeal for constitutional rights. They still differed very much as to the ultimate object to be attained, and the means to be used, but these differences yielded to the emergency of the apprehended common danger.

Q. Was not the ordinance of secession adopted in Georgia, earlier in date than the proclamation for seventy-five thousand volunteers?

A. Yes, sir. I stated that the people were very much divided on the question of the ordinance of secession, but that after the proclamation the people became almost unanimous in their support of the cause. There were some few exceptions in the State—I think not more than half a dozen among my acquaintances. As I said, while they were thus almost unanimous in support of the cause, they differed also as to the end to be attained by sustaining it. Some looked to an adjustment or settlement of the controversy upon any basis that would secure their constitutional rights; others looked to a southern separate nationality as their only object and hope. These different views as to the ultimate objects did not interfere with the general active support of the cause.

Q. Was there a popular vote upon the ordinance of secession?

A. Only so far as in the election of delegates to the convention.

Q. There was no subsequent action?

A. No, sir; the ordinance of secession was not submitted to a popular vote afterward.

Q. Have you any opinion as to the vote it would have received, as compared with the whole, if it had been submitted to the free action of the people?

Witness. Do you mean after it was adopted by the convention?

Mr. Boutwell. Yes; after it was adopted by the convention, if it had been submitted forthwith, or within a reasonable time.

A. Taking the then state of things into consideration, South Carolina, Florida, and Mississippi, I think, having seceded, my opinion is that a majority of the people would have ratified it, and perhaps a decided or large majority. If, however, South Carolina and the other States had not adopted their ordinances of secession, I am very well satisfied that a majority of the people of Georgia, and perhaps a very decided majority, would have been against secession if the ordinance had been submitted to them. But as matters stood at the time if the ordinance had been submitted to

a popular vote of the State, it would have been sustained. That is my opinion about that matter.

Q. What was the date of the Georgia ordinance?

A. The 18th or 19th; I think the 19th of January, 1861, though I am not certain.

Q. The question of secession was involved in the election of delegates to that convention, was it not?

A. Yes, sir.

Q. And was there on the part of candidates a pretty general avowal of opinions?

A. Very general.

Q. What was the result of the election as far as the convention expressed any opinion upon the question of secession?

A. I think the majority was about thirty in the convention in favor of secession. I do not recollect the exact vote.

Q. In a convention of how many?

A. In a convention based upon the number of senators and members of the House in the general assembly of the State. The exact number I do not recollect, but I think it was near three hundred, perhaps a few over or under.

Q. Was there any difference in different parts of the State in the strength of Union sentiment at that time?

A. In some of the mountain counties the Union sentiment was generally prevalent. The cities, towns, and villages were generally for secession throughout the State, I think, with some exceptions. The anti-secession sentiment was more general in the rural districts and in the mountain portions of the State; yet the people of some of the upper counties were very active and decided secessionists. There was nothing like a sectional division of the State at all. For instance, the delegation from Floyd county, in which the city of Rome is situated, in the upper portion of the State, was an able one, strong for secession, while the county of Jefferson, down in the interior of the cotton belt, sent one of the most prominent delegations for the Union. I could designate other particular counties in that way throughout the State, showing that there was not what might be termed a sectional or geographical division of the State on the question.

Q. In what particular did the people believe their constitutional liberties were assailed or endangered from the Union?

A. Mainly, I would say, in their internal social polity and their apprehension from the general consolidating tendencies of the doctrines and principles of that political party which had recently succeeded in the choice of a President and Vice-President of the United States. It was the serious apprehension that if the republican organization, as then constituted, would succeed to power, it would lead ultimately to a virtual subversion of the constitution of the United States, and all essential guaranties of public liberty. I think that was the sincere and honest conviction in the minds of our people. Those who opposed secession did not apprehend

that any such result would necessarily follow the elections which had taken place ; they still thought that all their rights might be maintained in the Union and under the constitution, especially as there were majorities in both Houses of Congress who agreed with them on constitutional questions.

Q. To what feature of their internal social polity did they apprehend danger?

A. Principally the subordination of the African race as it existed under their laws and institutions.

Q. In what spirit is the emancipation of slaves received by the people?

A. Generally it is acquiesced in and accepted, I think, in perfect good faith, and with a disposition to do the best that can be done in the new order of things in this particular.

Q. What at present are the relations subsisting between the white people and black people, especially in the relation of employers and employed?

A. Quite as good, I think, as in any part of the world that ever I have been in, between like classes of employers and employés. The condition of things, in this respect, on my return last fall, was very different from what it was when I left home for my present visit to this city. During the fall and up to the close of the year, there was a general opinion prevailing among the colored people that at Christmas there would be a division of the lands, and a very general indisposition on their part to make any contracts at all for the present year. Indeed, there were very few contracts, I think, made throughout the State until after Christmas, or about the 1st of January. General Tillson, who is at the head of the bureau in the State, and whose administration has given very general satisfaction to our people, I think, was very active in disabusing the minds of the colored people from their error in this particular. He visited quite a number of places in the State, and addressed large audiences of colored people, and when they became satisfied they were laboring under a mistake in anticipating a division of lands after Christmas and the 1st of January, they made contracts very readily generally, and since that time affairs have, in the main, moved on quite smoothly and quietly.

Q. Are the negroes generally at work?

A. Yes, sir ; they are generally at work. There are some idlers ; but this class constitutes but a small proportion.

Q. What upon the whole has been their conduct? Proper under the circumstances in which they have been placed, or otherwise?

A. As a whole, much better than the most hopeful looked for.

Q. As far as you know, what are the leading objects and desires of the negro population at the present time in reference to themselves?

A. It is to be protected in their rights of persons and of property—to be dealt by fairly and justly.

Q. What, if any thing, has been done by the legislature of your State for the accomplishment of these objects?

A. The legislature has passed an act of which the following is a copy:

“ [No. 90.]

“ AN ACT to define the term ‘persons of color,’ and to declare the rights of such persons.

“ SEC. 1. *Be it enacted, etc.,* That all negroes, mulattoes, mestizoes, and their descendants, having one eighth negro or African blood in their veins, shall be known in this State, as ‘persons of color.’”

“ SEC. 2. *Be it further enacted,* That persons of color shall have the right to make and enforce contracts, to sue, be sued, to be parties and give evidence, to inherit, to purchase, and to have full and equal benefit of all laws and proceedings for the security of person and estate, and shall not be subjected to any other or different punishment, pain, or penalty for the commission of any act or offence than such as are prescribed for white persons committing like acts or offences.”

The third section of this act simply repeals all conflicting laws. It was approved by the governor on the 17th of March last.

Q. Does this act express the opinions of the people, and will it be sustained?

A. I think it will be sustained by the courts as well as by public sentiment. It was passed by the present legislature. As an evidence of the tone of the legislature of the State, as well as that of the people of the State upon this subject, I will refer you simply to a letter I wrote to Senator Stewart upon the same subject. I submit to you a copy of that letter. It is as follows:

“ WASHINGTON, D. C., April 4, 1866.

“ DEAR SIR: In answer to your inquiries touching the sentiments and feelings of the people of Georgia toward the freedmen, and the legal status of this class of population in the State, etc, allow me briefly to say that the address delivered by me on the 22d of February last before the legislature (a copy of which I herewith hand you) expresses very fully and clearly my own opinions and feelings upon the subjects of your inquiry. This address was written and printed as you now see it, before its delivery. It was delivered *verbatim* as you now read it, that there might be no mistake about it. It was as it now stands unanimously indorsed by the Senate in a joint resolution, which was concurred in in the House without dissent, and was ordered to be spread upon the journals of both Houses. This I refer you to as a better and more reliable index of the feelings and views of the people of the State on this subject than any bare individual opinion I might entertain or express. The legislature of the State, it is to be presumed, is as correct an exponent of the general feelings and views of the State upon any political question as any that can be obtained from any quarter. In addition to this, the legislature subsequently evinced their principles by their works in passing an act, which I also inclose to you. This act speaks for itself. It is short, concise, pointed, as well as comprehensive. It secures to the colored race the right to contract and to enforce contracts, the right to sue and to be

sued, the right to testify in the courts, subject to the same rules that govern the testimony of whites, and it subjects them to the same punishments for all offences as the whites. In these respects, embracing all essential civil rights, all classes in Georgia now stand equal before the law. There is no discrimination in these particulars on account of race or color.

"Please excuse this hasty note; I have no time to go more in detail.

"Yours, most respectfully,

"ALEXANDER H. STEPHENS.

"HON. WILLIAM M. STEWART, United States Senate."

Q. What, if any thing is being done in Georgia with regard to the education of the negroes, either children or adults?

A. Nothing by the public authorities as yet. Schools are being established in many portions of the State, under the auspices, I think, of the Freedmen's Bureau, and quite a number by the colored people themselves, encouraged by the whites.

Q. What disposition do the negroes manifest in regard to education?

A. There seems to be a very great desire on the part of the children and younger ones, and with their parents to have them educated.

Q. What is the present legal condition of those who have lived together as husband and wife? Do the laws recognize and sustain the relations and the legitimacy of their offspring?

A. Our State laws do. They recognize all those living as man and wife as legally man and wife. A good many of them took out licenses, and were married in the usual way. There is no difference in our laws in that respect. Licenses are issued for white and black alike, only they are prohibited from intermarrying with each other. The races are not permitted to intermarry.

Q. Were the amendments to the constitution of the State of Georgia, recently adopted, submitted to the people?

A. No, sir; they were not submitted. I have no hesitation, however, in expressing the opinion that nine tenths of the people would have voted for them if the constitution had been submitted. That is but an opinion. I heard no dissent at all in the State. I was there all the time. I got home before the convention adjourned. The State constitution, as made by the convention, would have been ratified almost without opposition. It would have been ratified *nem. con.* if it had been submitted. This, at least, is my opinion.

Q. What was the voting population of your State in 1860?

A. Something upward of a hundred thousand.

Q. What is probably the present voting population?

A. The voting population of the State, under the present constitution, is perhaps eighty thousand. That is a mere estimate.

Q. Has there been any enumeration of the losses of Georgia in the field, in the military service?

A. No accurate estimate that I am aware of.

Q. What is it supposed to have been?

A. I am not able to answer the question with any thing like accuracy.

Q. What is the public sentiment of Georgia with regard to the extension of the right of voting to the negroes?

A. The general opinion in the State is very much averse to it.

Q. If a proposition were made to amend the constitution so as to have representation in Congress based upon voters substantially, would Georgia ratify such a proposed amendment, if it were made a condition precedent to the restoration of the State to political power in the government?

A. I do not think they would. The people of Georgia, in my judgment, as far as I can reflect or represent their opinions, feel that they are entitled under the constitution of the United States to representation without any further condition precedent. They would not object to entertain, discuss, and exchange views in the common councils of the country with the other States upon such a proposition, or any proposition to amend the constitution, or change it in any of its features, and they would abide by any such change if made as the constitution provides; but they feel that they are constitutionally entitled to be heard by their senators and members in the houses of Congress upon this or any other proposed amendment. I do not therefore think that they would ratify that amendment suggested as a condition precedent to her being admitted to representation in Congress. Such, at least, is my opinion.

Q. It is then your opinion that at present the people of Georgia would neither be willing to extend suffrage to the negroes, nor consent to the exclusion of the negroes from the basis of representation?

A. The people of Georgia, in my judgment, are perfectly willing to leave suffrage and the basis of representation where the constitution leaves it. They look upon the question of suffrage as one belonging exclusively to the States; one over which, under the constitution of the United States, Congress has no jurisdiction, power, or control, except in proposing amendments to the States, and not in exacting them from them, and I do not think, therefore, that the people of that State, while they are disposed, as I believe, earnestly, to deal fairly, justly, and generously with the freedmen, would be willing to consent to a change in the constitution that would give Congress jurisdiction over the question of suffrage. And especially would they be very much averse to Congress exercising any such jurisdiction, without their representatives in the Senate and House being heard in the public council upon this question that so vitally concerns their internal policy, as well as the internal policy of all the States.

Q. If the proposition were to be submitted to Georgia as one of the eleven States lately in rebellion, that she might be restored to political power in the government of the country upon the condition precedent that she should, on the one hand, extend

suffrage to the negro, or, on the other, consent to their exclusion from the basis of representation, would she accept either proposition and take her place in the government of the country?

A. I can only give my opinion. I do not think she would accept either as a condition precedent presented by Congress, for they do not believe that Congress has the rightful power under the constitution to prescribe such a condition. If Georgia is a State in the Union, her people feel that she is entitled to representation without conditions imposed by Congress. And if she is not a State in the Union, then she could not be admitted as an equal with the others if her admission were trammelled with conditions that do not apply to all the rest alike. General universal suffrage amongst the colored people, as they are now there, would by our people be regarded as about as great a political evil as could befall them.

Q. If the proposition were to extend the right of suffrage to those who could read, and to those who had served in the Union armies, would that modification affect the action of the State?

A. I think the people of the State would be unwilling to do more than they have done for restoration. Restricted or limited suffrage would not be so objectionable as general or universal; but it is a matter that belongs to the State to regulate. The question of suffrage, whether universal or restricted, is one of State policy exclusively, as they believe. Individually I should not be opposed to a proper system of restricted or limited suffrage to this class of our population; but in my judgment it is a matter that belongs of constitutional right to the States to regulate exclusively, each for itself. But the people of that State, as I have said, would not willingly, I think, do more than they have done for restoration. The only view in their opinion that could possibly justify the war which was carried on by the Federal government against them was the idea of the indissolubleness of the Union—that those who held the administration for the time were bound to enforce the execution of the laws and the maintenance of the integrity of the country under the constitution; and since that was accomplished, since those who had assumed the contrary principle—the right of secession, and the reserved sovereignty of the States—had abandoned their cause, and the administration here was successful in maintaining the idea upon which war was proclaimed and waged, and the only view in which they supposed it could be justified at all—when that was accomplished, I say, the people of Georgia supposed their State was immediately entitled to all her rights under the constitution. That is my opinion of the sentiment of the people of Georgia, and I do not think they would be willing to do any thing further as a condition precedent to their being permitted to enjoy the full measure of their constitutional rights. I only give my opinion of the sentiment of the people at this time. They expected that as soon as the confederate cause was abandoned, that immediately the States would be brought back into

their practical relations with the government, as previously constituted. That is what they looked to. They expected that the State would immediately have their representatives in the Senate and in the House, and they expected in good faith, as loyal men, as the term is frequently used—I mean by it loyal to law, order, and the constitution—to support the government under the constitution. That was their feeling. They did what they did, believing it was best for the protection of constitutional liberty. Toward the constitution of the United States, as they construed it, the great mass of our people were as much devoted in their feelings as any people ever were toward any cause. This is my opinion. As I remarked before, they resorted to secession with a view of maintaining more securely these principles. And when they found they were not successful in their object, in perfect good faith, as far as I can judge from meeting with them and conversing with them, looking to the future developments of their country in its material resources, as well as its moral and intellectual progress, their earnest desire and expectation was to allow the past struggle, lamentable as it was in its results, to pass by, and to co-operate with the true friends of the constitution, with those of all sections who earnestly desire the preservation of constitutional liberty, and the perpetuation of the government in its purity. They have been a little disappointed in this, and are so now. They are patiently waiting, however, and believing that when the passions of the hour have passed away, this delay in restoration will cease. They think they have done every thing that was essential and proper, and my judgment is that they would not be willing to do any thing further as a condition precedent. They would simply remain quiet and passive.

Q. Does your own judgment approve the view you have given as the opinion of the people of the State?

A. My own judgment is very decided that the question of suffrage is one that belongs, under the constitution—and wisely so, too—to the States respectively and exclusively.

Q. Is it your opinion that neither of the alternatives suggested in the question ought to be accepted by the people of Georgia?

A. My own opinion is, that these terms ought not to be offered as conditions precedent. In other words, my opinion is, that it would be best for the peace, harmony, and prosperity of the whole country that there should be an immediate restoration—an immediate bringing back of the States into their original practical relations—and let all these questions then be discussed in common council. Then the representatives from the South could be heard, and you and all could judge much better of the tone and temper of the people than you could from the opinions given by any individuals. You may take my opinion, or the opinion of any individual, but they will not enable you to judge of the condition of the State of Georgia so well as for her own representatives to be heard in your public councils in her own behalf. My judgment,

therefore, is very decided that it would have been better, as soon as the lamentable conflict was over, when the people of the South abandoned their cause and agreed to accept the issue—desiring, as they do, to resume their places for the future in the Union, and to look to the halls of Congress and the courts for the protection of their rights in the Union—it would have been better to have allowed that result to follow, under the policy adopted by the administration, than to delay it or hinder it by propositions to amend the constitution in respect to suffrage or any other new matter. I think the people of all the southern States would, in the halls of Congress, discuss these questions calmly and deliberately; and if they did not show that the views they entertained were just and proper, such as to control the judgment of the people of the other sections and States, they would quietly, patiently, and patriotically yield to whatever should be constitutionally determined in common council. But I think they feel very sensitively the offer to them of propositions to accept, while they are denied all voice in the common council of the Union under the constitution in the discussion of these propositions. I think they feel very sensitively that they are denied the right to be heard. And while, as I have said, they might differ among themselves in many points in regard to suffrage, they would not differ upon the question of doing any thing further as a condition precedent to restoration. And in respect to the alternate conditions to be so presented, I do not think they would accept the one or the other. My individual general views as to the proper course to be pursued in respect to the colored people are expressed in a speech made before the Georgia legislature, referred to in my letter to Senator Stewart, that was the proper forum, as I conceive, in which to discuss this subject. And I think a great deal depends in the advancement of civilization and progress, looking to the benefit of all classes, that these questions should be considered and kept before the proper forum.

Q. Suppose the States that are represented in Congress and Congress itself should be of the opinion that Georgia should not be permitted to take its place in the government of the country except upon its assent to one or the other of the two propositions suggested: is it then your opinion that under such circumstances Georgia ought to decline?

Witness. You mean the States now represented, and those only?

Mr. Boutwell. Yes.

Witness. You mean by Congress, Congress as it is now constituted, with the other eleven States excluded?

Mr. Boutwell. I do.

Witness. And you mean the same alternative proposition to be applied to all the eleven States as conditions precedent to their restoration?

Mr. Boutwell. I do.

A. Then I think she ought to decline under the circumstances, and for the reasons stated; and so ought the whole eleven. Should such an offer be made and declined, and these States should thus continue to be excluded and kept out, a singular spectacle would be presented. A complete reversal of positions would be presented. In 1861 these States thought they could not remain safely in the Union without new guaranties, and now, when they agree to resume their former practical relations in the Union under the constitution as it is, the other States turn upon them and say they cannot permit them to do so, safely to their interest, without new guaranties on their part. The Southern States would thus present themselves as willing for immediate Union under the constitution, while it would be the Northern States opposed to it. The former disunionists would thereby become unionists, and the former unionists the practical disunionists.

Examination of ALEXANDER H. STEPHENS resumed:

By Mr. Boutwell:

Q. Do you mean to be understood in your last answer that there is no constitutional power in the government, as at present organized, to exact conditions precedent to the restoration to political power of the eleven States that have been in rebellion?

A. Yes, sir. That is my opinion.

Q. Do you entertain the same opinion in reference to the amendment to the constitution abolishing slavery?

A. I do. I think the States, however, abolished slavery in good faith, as one of the results of the war. Their ratification of the constitutional amendment followed as a consequence. I do not think there is any constitutional power on the part of the government to have exacted it as a condition precedent to their restoration under the constitution, or to the resumption of their places as members of the Union.

Q. What, in your opinion, is the legal value of the laws passed by Congress and approved by the President in the absence of senators and representatives from the eleven States?

A. I do not know what particular law you refer to; but my answer, generally, is, that the validity of all laws depends on their constitutionality. This is a question for the judiciary to determine. My own judgment, whatever it might be, would have to conform to the judicial determination of the question. It is a question for the courts to determine.

Q. Have you formed any opinion upon that question?

A. I cannot say that I have formed any matured opinion in reference to any particular act of Congress embraced in the question.

Q. Assume that Congress shall in this session, in the absence of senators and representatives from the eleven States, pass an act levying taxes upon all the people of the United States, includ

ing the eleven: is it your opinion that such an act would be constitutional?

A. I should doubt if it would be. It would certainly, in my opinion, be manifestly unjust, and against all ideas of American representative government. Its constitutionality would, however, be a question for the judiciary to decide, and I should be willing to abide by that decision, whatever it might be.

Q. If the eleven States have at present an immediate constitutional right to be represented in Congress on a footing with the States at present represented, has that been a continuous right from the formation of the government, or from the time of the admission of the new States respectively, or has it been interrupted by war?

A. I think, as the Congress of the United States did not consent to the withdrawal of the seceding States, it was a continuous right under the constitution of the United States, to be exercised so soon as the seceding States respectively made known their readiness to resume their former practical relations with the federal government, under the constitution of the United States. As the general government denied the right of secession, I do not think any of the States attempting to exercise it thereby lost any of their rights under the constitution, as States, when their people abandoned that attempt.

Q. Is it or not your opinion that the legislatures and people of the eleven States, respectively, have at present such a right to elect senators and representatives to Congress; that it may be exercised without regard to the part which persons elected may have had in the rebellion?

A. I do not think they could exercise that right in the choice of their senators and members, so as to impair in the slightest degree the constitutional right of each House for itself to judge of the qualifications of those who might be chosen. The right of the constitutional electors of a State to choose, and the right of each House of Congress to judge, of the qualifications of those elected to their respective bodies, are very distinct and different questions. And in thus judging of qualifications, I am free to admit that in my opinion no one should be admitted as a member of either House of Congress who is not really and truly loyal to the constitution of the United States and to the government established by it.

Q. State whether from your observation the events of the war have produced any change in the public mind of the South upon the question of the reserved rights of the States under the constitution of the United States.

A. That question I answered in part yesterday. While I cannot state from personal knowledge to what extent the opinions of the southern States upon the abstract question of the reserved rights of the States may have changed, my decided opinion is

that a very thorough change has taken place upon the practical policy of resorting to any such right.

Q. What events or experience of the war have contributed to this change?

A. First, the people are satisfied that a resort to the exercise of this right, while it is denied by the federal government, will lead to war, which many thought before the late attempted secession would not be the case; and civil wars they are also now very well satisfied are dangerous to liberty; and, moreover, their experience in the late war I think satisfied them that it greatly endangered their own. I allude especially to the suspension of the writ of habeas corpus, the military conscriptions, the proclamations of martial law in various places, general impressments, and the levying of forced contributions, as well as the very demoralizing effects of war generally.

Q. When were you last a member of the Congress of the United States?

A. I went out on the 4th of March, 1859.

Q. Will you state, if not indisposed to do so, the considerations or opinions which led you to identify yourself with the rebellion so far as to accept the office of Vice-President of the Confederate States of America, so called?

A. I believed thoroughly in the reserved sovereignty of the several States of the Union under the compact of Union or constitution of 1787. I opposed secession, therefore, as a question of policy, and not one of right on the part of Georgia. When the State seceded against my judgment and vote, I thought my ultimate allegiance was due to her, and I preferred to cast my fortunes and destinies with hers and her people, rather than to take any other course, even though it might lead to my sacrifice and her ruin. In accepting position under the new order of things, my sole object was to do all the good I could in preserving and perpetuating the principles of liberty, as established under the constitution of the United States. If the Union was to be abandoned either with or without force—which I thought a very impolitic measure—I wished, if possible, to rescue, preserve, and perpetuate the principles of the constitution. This, I was not without hope, might be done in the new confederacy of States formed. When the conflict arose, my efforts were directed to as speedy and peaceful an adjustment of the questions as possible. This adjustment I always thought to be lasting, would have ultimately to be settled upon a continental basis, founded upon the principles of mutual convenience and reciprocal advantage on the part of the States, on which the constitution of the United States was originally formed. I was wedded to no particular plan of adjustment, except the recognition, as a basis, of the separate sovereignty of the several States. With this recognized as a principle, I thought all other questions of difference would soon adjust themselves, according to the best interests, peace, welfare, and prosperity of

the whole country, as enlightened reason, calm judgment, and a sense of justice might direct. This doctrine of the sovereignty of the several States I regarded as a self-adjusting, self-regulating principle of our American system of State governments, extending, possibly, over the continent.

Q. Have your opinions undergone any change since the opening of the rebellion in reference to the reserved rights of States under the constitution of the United States?

A. My convictions on the original abstract question have undergone no change, but I accept the issues of the war and the result as a practical settlement of that question. The sword was appealed to to decide the question, and by the decision of the sword I am willing to abide.

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ERRATA.

On page 49, line 7, *share* should read *space*.

On page 164, line 1, *C. A. Nesbitt* should read *E. A. Nesbitt*.

On page 166, line 17, *Northern* should read *Southern*.

On page 234, line 17, *Supreme* should read *Superior*.

On page 235, line 17, *who* should read *whom*.

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